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ABSTRACT

This document was developed to provide a comprehensive, single source of information about the rights and responsibilities of parents of handicapped children and the resources available to them. The first section focuses on why parents should be involved in their children's education and lists seven major reasons for parental participation. The next section briefly explains major laws affecting the education of children with handicaps, focusing on Section 504 of the Rehabilitation Act and Public Law 94-142. Section III describes the work of the parent-professional team, broken down into the steps involved in planning a child's educational program: referral, evaluation, individualized education program, placement, and review. Section IV discusses the special needs of high-school students in the areas of vocational education, graduation, and transition. Section V covers what happens when disciplinary action is necessary for the child and explains suspension and expulsion. School records are then addressed, describing permanent records, progress records, behavioral records, and parents' responsibilities in keeping a home file and preparing for a move to a new school. The final section discusses procedures for dealing with disagreements between parents and schools, including examples of potential disagreements, informal resolution, independent evaluation, mediation, state complaint, and due process hearings. (JDD)

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PARENT INFORMATION PACKET

An Information Resource for Oregon Parents of Children with Handicaps

1986

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Division of Special Education
and Student Services
Oregon Department of Education
Salem, OR 97310-0290

Verne A. Duncan
State Superintendent of Public Instruction

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Comments and questions related to PIP should be directed to Mr. Kim C. Kay, Educational Program Specialist, Division of Special Education and Student Services, Oregon Department of Education, 700 Pringle Parkway SE, Salem, OR 97310-0290.

FOREWORD

Over the last ten years we have witnessed vast improvements in special education programs and services for the handicapped. We have also seen a dramatic increase in parent participation. Parents and educators are experts in their own right, each having skills and knowledge that complement each other. You as a parent know your child better than anyone else. Your insights, observations, and knowledge are invaluable to educators. On the other hand, the school's experience and knowledge about teaching and working with handicapped children can also be very helpful.

When parents and educators recognize this special relationship, an equal partnership results where everyone benefits -- the child, the parents, and the school. Schools become more effective when parents actively participate and share their views.

Occasionally disagreements develop between parents and educators regarding what is best for the child. Often there are no right or wrong answers, and at times parents and educators may differ on what they feel is an appropriate solution. The procedures outlined in the ***Parent Information Packet*** should help parents and schools to successfully resolve their differences.

This packet is for the parent. All parents need information that will help them to work with educators in planning for their child's special education program. This document was developed because parents, educators, and advocates throughout the state needed a comprehensive, single source of information about their rights and responsibilities, and resources available to them.

I hope this ***Parent Information Packet*** will increase your effectiveness, not only in working with educators, but in developing individualized educational programs that will meet your child's needs. I welcome and encourage your participation as a member of the special education planning team.

Verne A. Duncan
State Superintendent
of Public Instruction

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INTRODUCTION

Welcome to PIP -- the Parent Information Packet. PIP is meant to convey the idea of a packet of information that can be updated periodically. PIP was designed to be reasonably comprehensive but not overwhelming in its detail.

PIP was written for you as a parent of a child with a handicap. The intent of PIP is to:

- Help you understand the complex laws and regulations that relate to your child.
- Discuss your rights and responsibilities.
- Give you tips and ideas on how you can effectively negotiate the special education process.

PIP promotes the idea of a parent-professional partnership. Developing an appropriate education for children with handicaps takes the work of a team. Parents and school personnel need to work together on an equal basis in planning for students with handicaps.

Parents are sometimes at a disadvantage in dealing with school personnel. They do not have the same training and experience that school personnel have. This does not mean that your contributions are not valuable. They are critical. PIP is intended to give parents the background information to participate as equal partners.

Sometimes the parent of a child with a handicap is not available, and a surrogate parent is asked to fulfill the duties of a parent. If you are acting as a surrogate parent, PIP is for you, too.

HOW TO USE THIS GUIDE

PIP contains a great deal of information for you and your child. It is intended to be useful to you throughout your child's schooling. The seven sections cover topics that you may find helpful at one time or another. You do not have to read them all at once or in the order presented.

We hope you will use PIP as a resource when different concerns arise. A summary of each section is provided below to help you locate needed information.

SECTION I: *REASONS FOR PARENT INVOLVEMENT*

This section of PIP focuses on why parents should be involved in the education of their children. It includes seven major reasons why parental participation is valuable.

SECTION II: *THE LAW AND CHILDREN WITH HANDICAPS*

This section briefly explains the two major laws affecting the education of children with handicaps. You will find information on:

- Section 504 of the Rehabilitation Act
- Public Law 94-142
- Categories of Handicapping Conditions

SECTION III: *STEPS TO BE TAKEN - DECISIONS TO BE MADE*

This section describes the work of the parent-professional team. It is broken down into the steps you may follow to plan your child's educational program. They are:

- Step 1: **Referral**
  - Words to Know
  - The Referral Process
- Step 2: **Evaluation**
  - Words to Know
  - The Evaluation Process
  - Your Role and Rights as a Parent
- Step 3: **Individualized Education Program (IEP)**
  - Words to Know
  - Purpose of the IEP
  - The IEP Process
  - Your Role and Rights as a Parent
- Step 4: **Placement**
  - Words to Know
  - The Placement Process
  - Your Role and Rights as a Parent
- Step 5: **Review**
  - Words to Know
  - The Review Process
  - Your Role and Rights as a Parent

SECTION IV: *SPECIAL NEEDS OF HIGH SCHOOL STUDENTS: VOCATIONAL EDUCATION, GRADUATION, AND TRANSITION*

This section of PIP gives you helpful information about valuable educational resources for your high school student who is handicapped. The topics covered are:

- Vocational Education
  - Words to Know
  - The Laws Mandating Vocational Education
  - Starting Prevocational Education Early
  - Vocational Assessment
  - Vocational Education and the IEP
  - The Vocational Education Program
- Graduation
  - Words to Know
  - Special Education Available to Age 21
- Making the Transition from School to Community
  - Words to Know

SECTION V: *STUDENT DISCIPLINE MEASURES: SUSPENSION AND EXPULSION*

This section covers what happens when disciplinary action is necessary for your child. It includes:

- Words to Know
- Suspension: Understanding the Process
- Expulsion: Understanding the Process

SECTION VI: *SCHOOL RECORDS: PARENT RIGHTS AND RESPONSIBILITIES*

This section describes the records schools keep on all children. It includes:

- Permanent Records
- Progress Records
- Behavioral Records
- Parent Rights
  - School Records
  - Special Cases
    1) Children Over Age 18
    2) Surrogate Parents
  - Summary
- Parent Roles and Responsibilities
  - Keeping a Home File
  - Preparing for a Move to a New School

SECTION VII: *IF THE PARTNERSHIP BREAKS DOWN*

This section discusses several procedures for dealing with disagreements between parents and schools. It includes:

- Examples of Potential Disagreements
- Informal Resolution
- Independent Evaluation
- Mediation
- State Complaint
- Due Process Hearings
  1) What Happens at a Hearing?
  2) The Appeal
  3) Suggestions for Preparing for a Hearing

SECTION I

REASONS FOR PARENT INVOLVEMENT

SECTION I

REASONS FOR PARENT INVOLVEMENT

Why should parents be involved in the education of their children? When your child is referred for an evaluation by the school, it can be a very stressful time for you as a parent. The focus is on something being "wrong." Even when you have been aware of delays in the development of your child, it is normal to feel a degree of anxiety. As parents we feel our children to be a part of us; none of us can leave our feelings outside the schoolhouse door.

The focus here is on why parents should be involved. There are many reasons. Seven are listed and explained in this section.

1. ***Parents have a right to know about the educational problems of their child.*** As a parent you are interested in how your children do in school, and the information you receive can lead to a fuller understanding of your child. Such information can aid your family in accepting and adjusting to your child, and to each other. In addition to having a right to know, parents have a real need to know.

2. ***Parental support is beneficial.*** If your child is to receive special education services, your attitude as a parent about the worth of those services means a lot. Parental attitude can mean the difference between students trying their best, or instead feeling guilty about letting parents down by needing special education help.

3. ***You and your child are consumers.*** Your involvement in developing an educational plan of services and instruction gives you firsthand knowledge of what you can expect in terms of your child's educational program and progress. Involvement in the evaluation of your child's progress lets you know if the desired changes have occurred. It helps you decide if special education is working for your child. When progress occurs, you can let the school know that you are pleased with the program. If progress does not occur as expected, however, your involvement can help to solve problems and make changes to improve the program.

4. ***Learning is a complex process.*** When something that is taught in school is then used outside the classroom, we can say that learning has really occurred. Consider such things as self-help skills, speech and language skills, or math skills such as telling time and handling money. Unless those skills are used outside the school, we know they won't be retained. You are in a good position to provide feedback to your child's teacher in order to determine if instruction is working or if it needs to be altered.

5. ***A good home-school relationship provides a resource for you as a parent, so that you can have an objective view of the needs and development of your child.*** Everyone benefits because the expectations for your child at home and in school can be more consistent. This communication also helps the school be aware of skills that you see as important at home.

6. ***Handicapped children develop new needs as they get older.*** As with all children, needs change with age. While no difficulties may exist in managing the 9-year-old, by the time the child is fourteen, a whole set of problems can emerge. Just making the transition into junior or senior high can be very difficult for some children. The birth of another child in the family, divorce, or any one of a hundred things that alter the status quo, can have a great impact on the child at home and at school. All children react to these changes. Adjustment is usually more difficult for children who have handicaps. By learning to work together, schools and parents can anticipate and prevent some of the problems.

7. ***Parents have information and insights that can be extremely valuable to the school in evaluating a child's special learning style and needs.*** It is not always possible for schools to get a full picture of how children actually learn. You can help in that discovery. For example, your child's teacher may conclude that your child requires intensive spelling instruction because he or she has great difficulty in writing the spelling words correctly. Your experience in working at home, however, is that your child can spell words orally with very few errors. When you and the teacher combine this information it may result in a different conclusion about your child's ability to spell. In this case, your child has difficulty writing letters and therefore makes frequent errors when asked to write the spelling words. This parent-teacher information-sharing then, leads to a better picture of how your child learns and what skills are needed to improve.

Those are good reasons for parent involvement! The purpose here has been to establish that the parent-educator partnership is good for everyone — the child, the parents, and the school.

Unfortunately, not all parents and educators are ready to work together. There are parents and educators who are afraid, who are distrustful, and who do not know how to communicate effectively. However, most of us are people who just need to learn how to make the parent-educator partnership work.

Achieving a true parent-educator partnership is not an easy task. It requires the recognition that no one person has all of the answers or all of the good ideas. It requires a commitment on the part of parents and educators to the idea that working together is worth the investment of time, energy, and self because of the potential positive force that it promises for children.

The partnership is an active process. It is participation. It is more than attending a meeting passively, giving approval, or signing forms. Achieving a true partnership is hard work. And, the partnership between parents and educators is something that we must strive for because it is important, and not simply because it is required.

SECTION II

THE LAW AND CHILDREN WITH HANDICAPS

SECTION II

THE LAW AND CHILDREN WITH HANDICAPS

Two laws are particularly important for children with handicaps: (1) Section 504 of the Rehabilitation Act of 1973; and (2) Public Law 94-142, the Education for All Handicapped Children Act. This section will describe both of these laws. In addition, the categories of handicapping conditions are defined and the standards for eligibility outlined.

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 is the nation's first law to protect the civil rights of citizens with handicaps. It states that:

> No otherwise qualified individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

One of the reasons this law was passed was because some children, especially children with handicaps, were being *excluded* from school. It was assumed that they could not learn and therefore should be kept out of school. People with handicaps were often placed in caretaker-type programs in institutions. Neither their handicaps nor their individual differences were recognized.

Even after this law was passed, school districts did not respond because the law was not clear to them. Many perceived the law to pertain only to the employment of adults with handicaps, and not to the education of children with handicaps. The development of regulations to implement this law took almost three years (May 4, 1977).

Public Law 94-142

The most important federal educational legislation came in 1975. This law requires that a *free appropriate public education* must be made available to *all* children with learning difficulties regardless of the type or severity of their handicaps. Further, this law ensures that the rights of these children and their parents are protected.

There are several major features of this law. You will see them described in various ways depending on which publication you are reading. In PIP we have divided the law into four areas:

1. ***Free Appropriate Public Education***
2. ***The Steps to be Taken (Decisions to be Made)***
3. ***Parent Participation***
4. ***Procedural Safeguards***

Here we describe each area briefly. Areas 2, 3, and 4 are covered in more detail in other sections of PIP.

1. ***Free Appropriate Public Education*** This means that the special education and related services provided to children with handicaps by the public schools are to be at *no* cost to parents.

Appropriate means that the individualized educational program (IEP) is based upon each child's unique needs for special instruction and related services. In short, the educational program addresses each child's individual learning abilities and style.

It is important to note that a school district is required to provide a plan of service and instruction that will reasonably assure that your child will receive educational benefits. However, a school district is *not* required to provide a special program that maximizes your child's full potential.

2. ***The Steps to be Taken (Decisions to be Made)*** These describe the steps the school takes to provide a program for your child. Parents have a role in each and every step. They are presented in greater detail in Section 3 of PIP.

    a. ***Referral*** - The first step is to let the school know that a student needs special help.

    b. ***Evaluation*** - This is the process of testing and observing to gather more information about a student's learning needs. Evaluation procedures and instructional materials must take into account the possible influences of a child's culture, race, and ability to speak English or to use sign language.

    c. ***Individualized Education Program (IEP)*** - The law recognizes that every child is an individual. The IEP is a way of providing help to a child by recognizing individual differences. A specially designed school program is outlined for students who have handicaps.

    d. ***Placement in the Least Restrictive Environment (LRE)*** - After the IEP has been written and agreed upon, a decision must be made about where the IEP will be carried out. Least restrictive environment requires that handicapped children will be educated with nonhandicapped children whenever it is in the best interests of the child to do so.

    e. ***Review*** - This step starts the process all over. Every year (or more often if needed) a student's program and placement must be reviewed and changed if necessary. A new IEP is written and a placement decision made.

    Handicapped children are reevaluated at least every three years or more frequently if needed. This ensures that educational decisions are based upon fairly current evaluation data.

3. ***Parent Participation*** The law requires schools to involve parents in decisions about special education for their children. This is an important *right* and also a *responsibility*. The extent of your involvement is your decision.

4. ***Procedural Safeguards*** This refers to the rules and regulations that a school district is required to follow. For example, you must give your written consent before your child can be tested to see if he or she qualifies for special education help. This procedure safeguards your right to be informed about what the school is proposing to do.

For the several thousands (about 48,000) of Oregon children who have handicapping conditions, this law ensures that no restrictions be placed on their right to secure the benefits of free public education, and that they, along with all Oregon children, have the opportunity to participate fully in the educational process.

Your child has the right to an education with his or her peers unless a special, and more separate, placement is in the best interest of the child. The regulations implementing Section 504 of the

Rehabilitation Act of 1973 ensure that a child cannot be refused placement in the most appropriate classroom simply because the building is inaccessible. It should be noted that accessibility also refers to providing signing aides or oral interpreters for hearing impaired children, respiration therapy and other school health services for other health impaired children, inservice training for school personnel, etc.

Children with handicaps can learn and become productive members of society. And the law now provides help for children with individual differences by outlining specially designed school programs to meet each child's individual needs. Each one of us is an individual. We are all different and some of us have individual differences that are greater than others. We all deserve an equal opportunity to benefit from an education.

CATEGORIES OF HANDICAPPING CONDITIONS

Many children have mental, physical, emotional, or learning problems that make it difficult for them to be part of a school program without special help. Different words are used to describe children who require special education as defined by law. The different types of handicaps are called categories. These categories are necessary for reporting and receiving state and federal monies that are available for special education services. Most categories are based on the results of tests and examinations and on the judgments of a variety of professionals.

Oregon laws and regulations have identified the following categories of handicapping conditions:

1. ***Specific Learning Disability***
2. ***Seriously Emotionally Disturbed***
3. ***Speech/Language Impaired***
4. ***Orthopedically and Other Health Impaired***
5. ***Visually Impaired***
6. ***Hearing Impaired - Deaf, Hard of Hearing***
7. ***Mentally Retarded***
8. ***Multihandicapped***
9. ***Deaf-Blind***
10. ***Autism***
11. ***Pregnancy***

For each category listed there is (1) a general definition/description of the handicap, and (2) an outline of those factors considered by the Multidisciplinary Team (MDT) in determining whether or not a child is handicapped. If a child is identified by the Multidisciplinary Team (MDT) as handicapped then the child becomes eligible to receive special education and related services.

The Multidisciplinary Team (MDT) refers to the requirement under PL 94-142 that when children are evaluated, a team must be involved. A child *cannot* be declared as handicapped by one person alone. A group of persons must be involved, including at least one teacher or other specialist with knowledge in the area of suspected disability.

Definition/Description	***Action of the Multidisciplinary Team (MDT)***
1. ***Specific Learning Disability (SLD)*** Refers to a disorder in one or more of the processes needed to receive, organize, or express information. As a result, the child can have difficulty in listening, thinking, speaking, writing, reading, spelling, or arithmetic. A learning disability is not due primarily to a physical, mental, or emotional handicap, nor to environmental, cultural or economic factors. In other words, if your child is learning disabled, he or she has difficulty learning, not because of mental retardation or difficulty in hearing, but because of difficulty in receiving, organizing, or expressing information.	***What the MDT does:*** 1) Evaluates the child's school performance and achievement in verbal and written expression, reading, listening skills, and math areas. 2) Evaluates child's learning abilities, which may include tests of intelligence. 3) Determines if there is a *severe discrepancy* (major difference between the child's ability and achievement in one or more of the above areas. An option to the above, especially for younger children, is the consideration of evidence suggesting a deficiency in a child's abilities to receive, organize, express, and memorize information. Such a deficiency leaves the child unable to profit or learn effectively in a regular classroom.
2. ***Seriously Emotionally Disturbed (SED)*** Refers to children with emotional problems that affect their school achievement so much that they cannot make satisfactory progress in a regular classroom. Emotionally disturbed children may have behavior difficulties over a long period of time and to such a degree that they are unable to do well in school. Such a child's performance *cannot* be explained because of intellectual, sensory, or health reasons.	***What the MDT does:*** 1) Determines, through a psychological evaluation if appropriate, whether the child's emotional problems (a) have existed over an extended period of time, and whether they (b) significantly interfere with the child's achievement in school. 2) Assesses the extent to which the child's emotional problems may be reflected in (a) an inability to learn according to expected abilities; (b) an inability to form and maintain relationships with others that are satisfactory; (c) inappropriate types of behavior ranging from hyperactivity to depression and withdrawal; or in a (d) tendency to develop physical symptoms, pains or fears associated with personal, social, or school problems. 3) Gathers medical information to decide whether (a) there are physical factors related to the child's school problems, (b) medical treatment is needed prior to placing the child in a special education program, or whether (c) any other type of medical examination is needed.

3. ***Speech/Language Impaired***
Refers to children who have a communication disorder which may be evidenced by an inability to correctly produce speech sounds (articulation), difficulty in understanding or using words or sentences (language), or the presence of stuttering. When any of these situations exists to the degree that the child's learning is affected, special education may be required.

What the MDT does:
1) Determines whether the child's speech or language matches expected age level standards or norms.
2) Determines whether the speech and language difficulties interfere with the child's communication and/or cause emotional stress.

4. ***Orthopedically Impaired***
Refers to children who have severe orthopedic (physical) impairment which adversely affect their school achievement. OI includes impairments such as cerebral palsy, amputation or fractures or burns that cause permanent disability, spina bifida, muscular dystrophy, or other nervous system disorders.

Other Health Impaired
Refers to children who have limited strength, vitality, or alertness due to chronic or acute health problems. OHI includes health impairments such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes — conditions which adversely affect a child's educational performance.

What the MDT does:
1) Reviews medical information related to the child's impairment to determine whether (a) the child's condition is either permanent or is expected to exist for more than a two-month period; and (b) whether the child requires home or hospital instruction, supplemental classroom instruction, or related services.

5. ***Visually Impaired***
Refers to children whose visual impairment, even with correction, adversely affects their school achievement. A child with some usable vision (partially sighted), may be able to learn to read regular print with glasses or to read special books that are printed with large type. Blind children may require special braille equipment and reading materials.

What the MDT does:
Reviews medical and educational information that determines that: 1) The child was examined by an ophthalmologist or optometrist to verify that (a) the child's residual acuity is 20/70 or less in the better eye with correction, or (b) that the child's visual field is restricted to twenty degrees, or (c) the child has an eye condition which would adversely affect educational performance; and (d) that the child has received or is receiving medical treatment for an eye condition.

6. *Hearing Impaired*

Includes two subcategories: *Deaf* and *Hard of Hearing. Deaf* means a hearing impairment that is so severe that the child's hearing, even with amplified sound, is not adequate for the purposes of school achievement. *Hard of Hearing* means a hearing condition that is not adequate with or without amplified sound, and that adversely affects a child's school achievement.

What the MDT does:

Obtains enough information to document a deficiency in auditory function sufficient to impair educational performance, based upon:
1) tests of hearing;
2) tests to determine speech and language delays; and
3) any or all of the following: (a) scores from achievement or intelligence tests, informal tests or inventories of academic performance; data from observations; (b) evaluation by a licensed audiologist or physician licensed in using standard auditory diagnostic procedures to confirm hearing levels and determine any amplification needs; or (c) examination by a physician licensed by a state board of medical examiners to determine the need for medical treatment.

7. *Mentally Retarded*

Refers to children who learn at a much slower rate because of their very low level of intelligence. They usually have delayed language and/or physical development and seem unable to learn new skills as quickly as other children of the same age group. Their ability to adjust to their surroundings is very delayed.

What the MDT does:

1) Assesses the child's intellectual abilities (learning capacity) by administering an individual intelligence test.
2) Determines if the child's score or intelligence is extremely below the average.
3) Evaluates whether the child's school achievement is below age and grade level, yet in line with measured ability tests.
4) Gathers information about the child's adaptive behavior (adequacy in dealing with life situations).
5) Compares the child's adaptive behavior with his or her history of development to determine if an impairment is consistently noted.
6) Prepares a summary of the child's development, learning, and social adjustment skills (adaptive behavior) to document a history of overall retardation.
7) Reviews medical information that assesses whether (a) there are any physical factors contributing to the child's educational problems; (b) medical treatment is needed prior to placing the child in a special education service; or whether (c) any other type of examination is needed.

8. ***Multihandicapped***
The term used to describe children with two or more handicaps. A child who is mentally retarded and blind, for example, would be included in this category. Because there is a special category for deaf-blind children, they are not included in the multihandicapped category. The combination of several handicapping conditions causes learning problems which may only be met through a special education program designed to assist children with those disabilities.

What the MDT does:
1) Determines that the child is eligible in two or more categories according to state requirements.

9. ***Deaf-blind***
Means a child with both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed for just deaf *or* blind children.

What the MDT does:
1) Determines that a child is deaf-blind when the child meets the eligibility requirements for both the visually impaired and hearing impaired.

10. ***Autism***
A severe disability that affects communication and behavior. Children with autism often do not learn to talk and play like other children of the same age. For example, they may not look at people or respond to their smiles and hugs. While some children may learn to talk, children with autism may echo words. They may learn to do some things very well (such as climbing, doing puzzles, counting, reciting the alphabet, etc.), but have great difficulty learning social behaviors (like learning to ask for things they need, learning to follow directions, and learning to accept changes in routine, etc.). Sometimes these children seem to be unaware of pain or loud sounds, but at other times they become very upset by small injuries or by little sounds. While most children with autism have some degree of retardation, all have complex learning problems and need special teaching.

What the MDT* does:
Reviews or evaluates the following:
1) Physical examination.
2) Assessment of child's speech and language skills.
3) Assessment of child's intelligence and adaptive behavior (adequacy in dealing with life situations).
4) Direct observation of child in several settings.
5) Use of autism behavior rating scale.
6) Case history of child's communication and language skills, social adjustment skills, and developmental rates in several areas.

11. ***Pregnancy***
In some cases a school-aged girl who is pregnant may need special education help. Special education services may include prenatal and postnatal care, training, counseling, homebound instruction, or a "Teen Mother Program". Students who are pregnant have the right to continue attending classes in their regular school program.

What the MDT does:
1) Determines that the girl has been examined by a physician verifying her condition of pregnancy.
2) Determines that if home instruction is to be provided the individual goals and objectives will be compatible with those in the regular classroom.

(*Proposed eligibility rules for Autism, August, 1985.)

SECTION III

STEPS TO BE TAKEN - DECISIONS TO BE MADE

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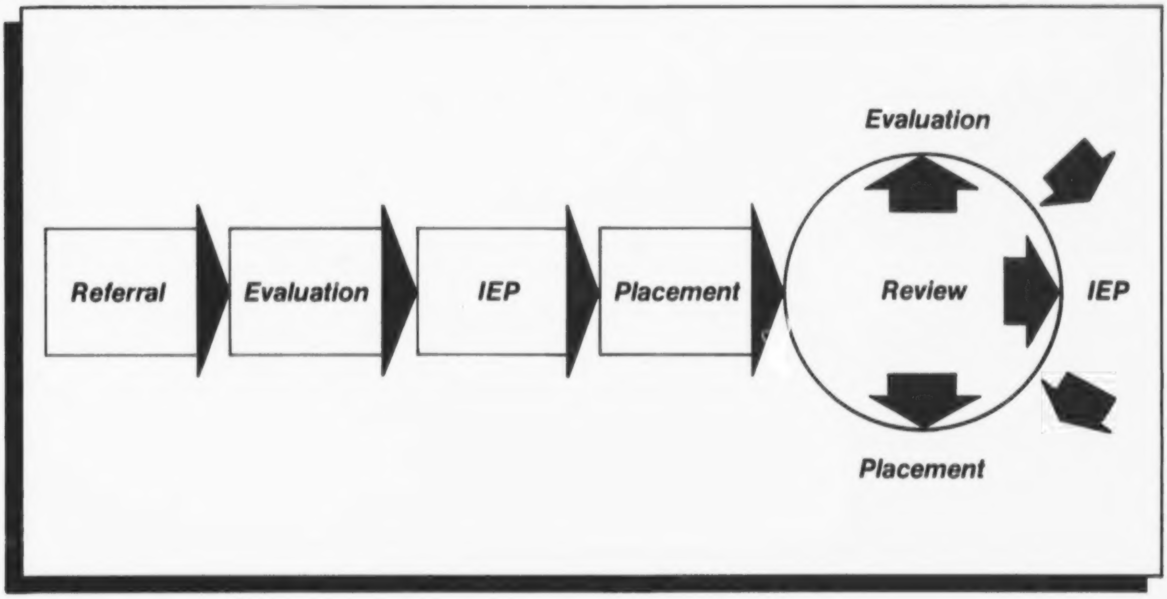
STEPS TO BE TAKEN - DECISIONS TO BE MADE

This is the longest section of PIP. It covers the steps to be taken from the time you or someone else notices that your child is having difficulty in school and may need special help. These steps represent the special education process and include: (1) ***referral,*** (2) ***evaluation,*** (3) writing an ***individualized education program,*** (4) ***placement*** of the student in an appropriate school setting, (5) and an ***ongoing review*** of each step as the student progresses through school. Each step is treated as a separate subsection. Each subsection (1) presents a list of important words and their definitions, (2) describes the process involved, and (3) examines your role as a parent and your specific parental rights.

The order of the steps, as presented in PL 94-142 and as reflected in PIP, is important. The following diagram provides an overview of this order.



Step 1: Referral

WORDS TO KNOW

- **REFERRAL**: A formal procedure used by schools to take a closer look at a child who is having or is expected to have difficulty in learning. When a child is referred, several questions are usually raised about the child's school performance and/or behavior. The aim is to discover how to teach and manage the child's behavior appropriately.

- **SCREENING**: Means collecting information about the child from people who know the child and know the problems that the child is having. This information helps the team to decide whether or not to conduct an individual evaluation of the child.

THE REFERRAL PROCESS

A referral can be made either before a child enters school or when a child is having difficulty in school. In some cases an obvious physical disability may interfere with progress in school. In other cases, the problem may be less obvious, e.g., a child whose grades are dropping or who is failing one or more classes, unable to keep up with his or her peers, or whose behavior is interfering with learning.

Anyone who knows the child can make a referral. This includes a teacher, counselor, school nurse, principal, the child, and *you*, the parent. If you think your child needs special help, call the school, describe the problem, and ask that your child be evaluated.

If your child is a preschooler, you can refer your child for an evaluation. Schools appreciate learning early about children with special needs so they can plan for their eventual enrollment in school. School districts can also refer you to appropriate resource programs and people for help.

Once the referral is made, people at the school may start with a screening. This means collecting as much information as possible about your child and your child's learning needs. This information can come from:

- Looking at school records.
- Looking at medical records.
- Checking your child's vision and hearing.
- Talking with your child's teachers.
- Observing your child in the classroom.
- Observing your child on the playground.
- Talking with you, the parent.

This information will help all of you to understand the problem and to decide what should be done next.

The main objective of the referral process is to collect enough information to make a decision on how to best help the child. This takes teamwork, and parents are equal members of the team. All those people who know and work with the child should be part of the team. When parents and educators work together, the child benefits most. Educators see the child at school, in the classroom, and on the playground. They can share information about the child's educational strengths and needs and can help parents become more informed. Parents know the child at home. You are your child's first teacher and can supply information about your child that no one else can. Parents often have questions, concerns, and suggestions, as well as years of experience with the child, to share with educators.

Information collected during the referral becomes the base for subsequent steps. The team must decide whether more tests should be given to gather additional information (Step 2 - Evaluation), or whether the problem can be addressed by making some immediate changes in instruction within the regular classroom. Your questions, your concerns, and the information you provide are important parts of this step.

As stated before, *you* have the right to initiate a referral if you feel that your child is having or will have trouble in school and may have a handicap.

Step 2: The Evaluation

WORDS TO KNOW

- ***EVALUATION***: The process of testing and observation used to gather more information about the child and the child's learning needs. This information is used to decide whether the child has a handicap and needs special education to learn in school. If the answer to this question is "yes," the evaluation results will be the basis for designing an educational program to meet the child's particular needs.

- **MULTIDISCIPLINARY TEAM (MDT)**: Refers to the group of professionals who perform the evaluation. Members of this team are qualified to administer tests and to assess the educational needs of children.

- ***ELIGIBILITY***: Means that the child fits within one of the categories of handicapping conditions and that the child needs special education in order to learn in school. The second part of this statement deserves attention. It is possible that some children who have disabilities may not need special help in school, e.g., a child with a heart condition. While it may be necessary to control the child's level of physical activity, generally the child may be able to participate fully in classroom activities and may not need any special help in order to learn in school. If special education is not needed, the child is not eligible.

THE EVALUATION PROCESS

Before the evaluation begins, the school must give parents written notice. This notice provides an explanation of what will happen and why. (A sample form, "Prior Notice and Parental Consent for Evaluation," is included in Appendix D.) The school must also include a statement of your rights as a parent. (A sample form, "Parent Rights in Identification, Evaluation and Placement," is included in Appendix D.) If you do not understand your rights, or if you do not understand what will happen as part of the evaluation, *ask questions*. Parents must give their written consent before the evaluation begins.

A team of professionals will conduct the evaluation. As noted above, these people must be qualified to administer tests and assess the educational needs of children. A teacher or specialist trained in the area of suspected disability must be a member of the evaluation team. For example, if your child appears to have a speech problem, a speech and language specialist must be on the team.

There are two reasons for the evaluation: (1) to determine if the child has a handicap and is eligible for special education, and (2) to provide information about the child's educational needs.

Two general kinds of tests may be given to your child. One type of test compares your child with other children and is used to help determine your child's eligibility for special services. The second type of test compares your child to himself or herself; in other words, this type of test measures what your child has learned or is able to do and what should be taught next.

This type of test is useful in planning your child's program. *While tests that show how your child compares to other children are important, it is probably more important to look at how your child learns, what your child knows, what your child should be taught next, and how that might best happen.* Tests that provide this information become the basis for planning an individualized program that fits the needs of your child.

Clearly, a good deal of information about the child is needed in order to make sound eligibility and program planning decisions. The law requires that more than one test or procedure be used in a child's evaluation. The evaluation must be *full* and *individual*.

A *full* evaluation is a complete evaluation. Tests must measure more than intelligence. They must measure educational need. Further, the evaluation should include all of a child's educational problems or needs. If appropriate, the evaluation may cover health, vision, hearing, social and emotional areas, general intelligence, academic performance, communication skills, and motor skills. An evaluation might include academic testing, a physical examination, a review of the child's developmental history, and testing by other specialists as needed. It may also include observations of the child in the classroom or conversations with the child's teachers and parents.

An *individual* evaluation means that the decisions about which tests to use and which types of information to collect are based on the needs of the child being evaluated. Because different children have different strengths and different needs, the same evaluation will not fit everyone. For example, if a child has a problem with muscle control and cannot write, verbal tests must be used during the evaluation. It is also important to know that the evaluation must be conducted in the child's native language or mode of communication. In other words, the child must be able to understand what he or she is expected to do during the evaluation. Using English to test a child who speaks Spanish would not be appropriate. An evaluator may need to use sign language when testing a child with a severe hearing loss.

When the evaluation is completed, the team should write a report or summary of the results. If the child is learning disabled, the team *must* write a report. Some schools may also hold an eligibility meeting, or *staffing*. At this meeting the team goes over the evaluation results. The purpose of the meeting is to decide whether the child has a handicap and needs special services in school. If an eligibility meeting is not held, this decision is made at the IEP meeting. (See "Step 3: Individualized Education Program.")

YOUR ROLE AND RIGHTS AS A PARENT

Parents should participate in the evaluation process. The parent may:

- Offer to share information with the school district so that school personnel will have a complete picture of their child.
- Request that certain types of information be collected during the evaluation.
- Be present at the eligibility meeting, if one is held, and participate in the discussion and in making the final decision as to whether the child has a handicap and needs special education.

As a parent you have several rights that relate to the evaluation process. (A sample form, "Parents' Rights in Identification, Evaluation and Placement," is included in Appendix D.) Some of these include:

- The right to be informed about the evaluation itself.
- The right to give or refuse consent for the evaluation.
- The right to see and be given copies of all evaluation reports prepared by members of the team and by any other specialists who tested your child. Make a point of requesting copies of these reports if they are not given to you automatically.

- The right to an interpretation of anything in the reports.
- The right to request an independent evaluation if you disagree with the team's conclusions. An independent evaluation is an evaluation conducted by professionals who are not employed by the school district. (Because this can be such an important right, more detailed information on this is provided in Section VII and in Appendix E.)

Step 3: Individualized Education Program (IEP)

WORDS TO KNOW

- **IEP**: Refers to a student's **Individualized Education Program.** The term conveys important information to you as a parent.
  - **Individualized** means that the IEP must address the educational needs of your child alone, not a class or group of children.
  - **Education** means that the IEP reflects the special instructional needs of your child. For example, if your child is having problems only in math, the IEP will describe the special math help to be given. Reading and speech will not be included.
  - **Program** means that the IEP is a statement of what will *actually be provided* to your child. It is not merely a statement of proposed guidelines from which a program will later be developed.

The IEP provides a description of the special education to be provided to your child - special education designed to meet his or her special learning needs.

- **SPECIAL EDUCATION**: Under Oregon and federal law, every handicapped child is entitled to a free program of *individually designed instruction to meet his or her unique educational needs.* Such a program is called *special education.* While this does not mean that your child is entitled to the best or most expensive program possible, the law does require your school district to provide your child with a planned educational program which takes into account his or her handicap and which gives your child the special help he or she needs in order to learn. No child may be excluded from the public schools on the grounds that the child is too severely handicapped to benefit from education. The law recognizes that every child is able to learn, and it requires that educational opportunities be provided for all.

- **RELATED SERVICES**: In addition to the special education program itself, your child is entitled to receive, at no cost, other services necessary to help him or her to benefit from education. The law refers to these as related services. Some examples of *related services* are:
  - Transportation for your child to and from school, along with any special equipment needed, and including other assistance if necessary.
  - Physical or occupational therapy.
  - Counseling for the child or for the parents.
  - Speech and language therapy.
  - Services of an audiologist for children with hearing loss, including selection and fitting of a hearing aid. In these cases, however, the school does not pay for the hearing aid itself.
  - School social work services.
  - School health services.
  - Learning consultant services.
  - Medical services solely for diagnostic and evaluation purposes.
  - Psychological or social work services.
  - Vocational services to help prepare the child for employment.

These are only examples. There may be other types of related services which a particular child needs in order to benefit from special education. A school district is not required to provide or pay for medical treatment. But if your child needs some other service to benefit from special education, then that service must be provided by the school district. For example, a child may require counseling services to address emotional or social adjustment problems that interfere with his or her ability to learn and to enjoy social interactions. Such counseling may also involve the parents with the goal of understanding the child's emotional problems and how they can help.

Your child's IEP should be developed in response to the needs identified by the evaluation team. If your child needs a service or program that is not available from the district, then they must provide it or contract for that service to be given your child. The IEP is not limited to what is available, but to what your child's appropriate educational program should be; that is, what is needed by your child.

PURPOSE OF THE IEP

There are two main parts of the IEP requirements under federal law: (1) the IEP meeting at which parents and school personnel jointly make decisions about a handicapped child's educational program, and (2) the IEP document itself, which is a written record of the decisions reached at the meeting. The overall IEP requirement, comprised of these two parts, has a number of purposes and functions:

- The IEP meeting serves as an *opportunity for communication* between parents and school personnel and enables them, as equal participants, to jointly decide what the child's needs are, what services will be provided to meet those needs, and what the anticipated outcome may be.
- The IEP process provides an *opportunity for resolving any differences* between the parents and the school concerning a handicapped child's special education needs: first, through the IEP meeting, and second, if necessary, through the procedural safeguards that are available to the parents.
- The IEP sets forth in writing a *commitment of resources* necessary to enable a handicapped child to receive needed special education and related services.
- The IEP is a *management tool* that is used to ensure that each handicapped child is provided special education and related services appropriate to the child's special learning needs.
- The IEP is a *compliance/monitoring document* which may be used by authorized monitoring personnel from each governmental level to determine whether a handicapped child is actually receiving the free appropriate public education agreed to by the parents and the school.
- The IEP serves as an *evaluation device* for use in determining the extent of the child's progress toward meeting the projected outcomes.

THE IEP PROCESS

. *Notice of the Meeting*

The IEP is written by a team during a meeting. Frequently schools will draft or type out a copy of proposed services, goals, and objectives for parents to consider. This draft can be modified and revised in spite of its formal appearance. The school must send you a written notice of the meeting. This notice will include the date of the meeting, the time of the meeting, the place where the meeting will be held, and a list of the people who will be at the meeting. (A sample letter, "Notification to Parents of Individualized Education Program Meeting," is included in Appendix D.) If you are not able to attend the meeting, call the school and ask that the meeting be rescheduled so you can be there.

. *People at the Meeting*

Federal law specifies who should attend an IEP meeting. The goal is to write an IEP that meets the needs of the child. All persons who have information about the child should help to develop the IEP. The meeting *must include* the following people:

YOU, the parent. You possess important information about your child's development and unique needs. This information is critical to the program. Federal law further gives you the responsibility to be a participant in all decisions about your child's educational program. You have the opportunity to share what you believe is proper for your child's educational needs, along with the other members of the team. You are not required to attend this meeting, but it is to your benefit and to your child's benefit to work cooperatively with school personnel in planning your child's education. By taking part in the decision making and in the planning, you are making a big contribution to your child's education.

Your child's TEACHER. Teachers are the primary persons responsible for putting the IEP into action. They must be involved in program planning and placement decisions. The teacher is qualified to assess the proper setting, skills, and support services needed to meet your child's instructional needs. The teacher also provides a means of communication between classroom and home -- an essential part of a successful program. Including the teacher on the team reduces the possibility of breakdown in important communication and helps eliminate misunderstanding and confusion for you about your child's program. The teacher also can more easily put the IEP into action by being involved with the IEP team. The IEP team may include your child's regular classroom teacher, a special education teacher, or both.

An Evaluator. Whenever a child is evaluated for the first time, the team must include a person who helped with the evaluation or a person who knows about the evaluation that was done. This person can explain testing procedures, the purpose for selecting certain tests, and the results of the testing.

A School Representative. This could be any member of the school staff who is qualified to provide or supervise special education programs. It should be noted that a special education teacher can satisfy this requirement, but that person cannot double as a teacher representative. The school representative should be able to ensure that whatever services are set out in the IEP will actually be provided and that the IEP will be upheld at a higher administrative level.

The Child, if appropriate. In the past, children may not have had the opportunity to state their views on their own program. Your child, as part of the team, now has the opportunity to relate his or her feelings, desires, and reactions to decisions as they are developed. This type of input can prove invaluable in writing an effective IEP.

These are the usual team members, but other people may be present. Again, the idea is to include people who know your child and who can help in writing an appropriate plan for your child. If you desire, you may bring an advocate, friend, or other person for support. Many parents report that bringing someone to the meeting with them is very helpful.

. *Purpose of the Meeting*

When the evaluation is complete, the school may call a meeting to decide whether or not the child is handicapped and needs special education. This meeting is usually called the *eligibility meeting*. Other schools do not have this separate meeting. If an eligibility meeting has not been held, the eligibility of the child is the first decision to be made at the IEP meeting.

If the child is eligible, the IEP team must begin to use the evaluation information to build an individual program for the child. There are three steps to building an IEP for a child:

1. **The team must share information collected during the evaluation to identify your child's needs.** This information helps to provide each member of the team with a clear picture of your child's strengths and weaknesses. It also helps the team to identify, in order of importance, your child's educational needs, and what can reasonably be accomplished during the school year.

2. **The team must plan how to meet those needs.** The team must decide on instructional goals for the child. Each goal is then broken down into steps, or short term objectives. (See Appendix C for suggestions on how parents can develop goals for their child prior to the IEP meeting.)

3. **The team must determine where those needs can be met.** This is often called the **placement decision.** Because different children have different needs, the law requires that a variety of placement options be available to handicapped students. Some children may be taught in a regular class. Others may need to attend a resource room for part of the day. Some children will need more help. They may be placed in a special class in the school or in a special program at a different school. Some may need the services offered by a residential school. The team's decision about where to place a child must be based on the child's needs and on the goals and objectives written in the IEP. (The placement decision will be discussed in more detail in the next section.)

The sequence of these three steps is important. The evaluation process provides information about the child's needs. The child's needs provide information necessary to write goals and objectives. The goals and objectives help to guide the placement decision.

. *The Contents of the IEP*

Every IEP must include six parts: (A sample IEP form is included in Appendix D.)

1. **A statement of your child's present level of performance.**

   This statement comes from the information collected during the evaluation process. It reflects the strengths and weaknesses of the individual student — what the student has learned and what he or she needs to learn. It provides direction for planning the student's instructional program.

   Example: John is reading at the 2.5 grade level, as measured by the Woodcock and Johnson Mastery Test.

2. **A list of annual goals and short term objectives.**

   Goals state what the child is expected to learn during the school year. Objectives relate to goals. They are the steps the student masters to meet the goal. There are usually several objectives for every goal.

   Example: Non-Academic

   Annual Goal: Katie will develop independent eating skills in the cafeteria. Currently an adult gets her lunch tray and cues her 15 times to use her utensils instead of fingers.

Objective: Katie will stand in line and will pick up her own lunch tray and carry it to the lunch table with fewer than five incidents of spilled food per month.

Objective: Katie will use utensils (spoon and fork) appropriately during lunch with fewer than five teacher cues/corrections per week.

Example: Academic

Annual Goal: John will improve his reading from a 2.5 grade level to a 3.5 grade level.

Objective: On a post-test, John will be able to read and define 80% of the words on the Scott-Foresman Vocabulary List, Level 3.

Objective: John will be able to correctly answer four out of five comprehension questions, after reading a story in the Scott-Foresman Reading Book, Level 3.

3. **The criteria, procedures, and schedules to be used for evaluating your child's progress.**

   Criteria refer to what your child must do to meet the objective. Sometimes criteria are written as part of the objective. In the above examples, the criteria are "80%" and "four out of five of comprehension questions." At other times the criteria are written as a separate statement.

   Example: "90% correct on all trials/opportunities for three consecutive days."

   Procedures refer to how your child's progress will be checked. A unit mastery test or a reading vocabulary list may be used.

   Schedules refer to when your child's progress will be checked. Some teachers may suggest a daily probe of the skill being taught. Others may use weekly tests, while others may give a test at the end of each teaching unit.

4. **A statement of the special education and related services to be provided to your child.**

5. **A description of the amount of time that your child will participate in the regular educational program at school.**

6. **The dates when special service will start and when special services will end.**

   There must be a written statement as to when the program will begin and end. At times, it may not be possible to know the exact time that a service will end. This may depend on your child's progress. The ending date on the IEP may reflect the last day of the school year or a date that is one year away from the date of the start of services. The law requires that every IEP be reviewed one time each year. The review process is discussed later in this section of PIP.

. *IEP Timelines*

The IEP is the guide for the special services and help your child will receive. Because this guide is so important, an IEP must be written before any special education and related services can be provided to your child. For a child who is evaluated for the first time, an IEP must be written within 30 days after the team decides that the child is handicapped. After the first year that your child is in special education, the IEP must be reviewed. An IEP review must happen at least once a year. At the start of each school year, your child should have an IEP that reflects his or her needs and describes his or her educational program.

YOUR ROLE AS A PARENT

For many parents, the IEP meeting may be the first time they have met with school personnel, and they may feel uncomfortable. School personnel, not experienced in working with parents to develop IEPs, may also feel uncomfortable. It is important for you to know that the law recognizes the benefits of parent participation in the planning process. The law also requires schools to encourage parent participation. The following suggestions may help you to make your participation meaningful:

. *Things to Do Before an IEP Meeting*

Before the meeting, you can gather some information about your child. These ideas should help you to collect and organize valuable information about your child; this information will be of interest to school personnel as well as to you.

- **Make an appointment to visit your child's classroom.** Observe your child during instruction and when interacting with other students.

- **Start a notebook on your child's developmental history.** List names, addresses, and phone numbers of persons you've contacted regarding your child. List the dates of the visits and the phone calls. Record as much as you can about what was said, the questions asked, answers given, and recommendations made. Some parents report that keeping these records in chronological order makes finding things faster and easier. (Other suggestions about parent record keeping are presented in Section VI.)

  Acquire copies of important information that might help the team with its decisions. You might include copies of physicians' reports, your child's medical history, reports and dates of any testing results, records of school attendance, and letters regarding services received by your child.

  Try to have all relevant information and records about your child organized and ready for quick reference.

- **Talk to your child.** Get some firsthand information on how your child feels about school. Know how the school day is organized and the names of teachers and programs that are part of his or her day. Find out what your child likes and does not like about school. Ask your child what he or she would like to do better.

- **Keep records of your child's behavior at home,** so that you can accurately share information with school personnel. You might include information on your child's home responsibilities, interests, likes and dislikes, typical daily schedule, interaction with brothers and sisters and neighborhood youth.

- **Write out a list of questions that you want to raise with team members regarding your child's needs.** For example, (1) Make a list of skills that your child needs to know and could use *right now*, e.g., make a sandwich, sort laundry, use the telephone, etc. (2) Then make a list of skills that your child will need to know in the *near future*, e.g., how to use public transportation, job skills, employment, etc. (3) Share your list and concerns with IEP team members and discuss whether those listed skills can be included in the IEP.

. *What to do at the IEP Meeting*

The IEP should give you a clear understanding of the expected progress of your child by beginning where your child is today and stating the goals that will hopefully be achieved by the end of the year. As a parent you hold a wealth of information about your child to share with school personnel as the IEP is developed.

- **Be on time for the scheduled meeting.** This meeting to plan your child's educational program is important. All of you, as members of the IEP team, have a big job to do. Carefully consider the evaluation data and make appropriate decisions about the services that will help your child. As a parent you play a major role on the team. If you cannot make the appointment, notify the school in advance so the meeting can be rescheduled at a time when you can attend. This will also allow someone else to use your cancelled appointment time.

- **Find out how much time has been scheduled for your child's meeting.** This will help you in planning when to provide your information. It will also help you to guide the discussion so that the time is well used and all areas of importance to you are fully considered.

- **Go into the IEP meeting focusing on your child.** The schools are interested in doing what is best for your child. Help create an atmosphere where information is shared freely. A problem may arise if any team member goes into this meeting with decisions already made. The purpose of the team approach is to consider all the information available before the team comes to any decision. Listen to what other members have to say. Raise questions and request to see all of the information. Work to create an atmosphere of parent *and* school, instead of parent *vs.* school. This idea of an equal partnership in planning educational programs for children with handicaps is a relatively new one for some schools and may be for you as well. Working together as positive team members can help create an atmosphere where an effective IEP can be developed for your child.

- **Take an active role in the meeting.** Pay attention to the information that is being shared about your child. Take notes if you wish, or ask someone else to take notes in order to provide a record of the meeting. An alternative idea used by some parents is to tape record the meeting. Raise questions. Educators, especially special educators, tend to use "jargon." Request an example or demonstration of what these terms mean. Remember, the IEP should be clearly understood by all. For example, test scores, without an explanation of what they mean, do not tell you anything.

- **Share relevant information about your child.** A specific observation of an incident may be more helpful than a generalization. Be brief but concise. Share information that can be used by the team in determining your child's special needs and most effective program. Have copies of letters and records organized and quickly available if needed.

- **Volunteer comments about the plan.** The team must work through discussion and negotiation. If you feel that a part or all of the plan does not represent the needs of your child, say so in the meeting. Suggest changes or additions that you feel are necessary. It is important that the whole team feel good about the plan that is written.

. *Parent Rights and the IEP*

As a parent you have several rights that you should be aware of. The school is required to provide you with a written notice of these rights before the IEP meeting begins. Further, the school is required to explain these rights so that they are clear to you. Your rights as a parent participating in the IEP process include:

- The right to be present at the IEP meeting. The school must send you a written notice of the IEP meeting.

- The right to request that the meeting be changed if you are unable to attend.
- The right to be informed about the IEP process. The school should explain what is going to happen at the meeting, and answer any questions that you have about the information used to write the IEP. If you need an interpreter to understand this information, the school must provide one.
- The right to be an active member of the IEP team -- to express your views, make suggestions, and request changes in the IEP if you do not agree with the plan.
- The right to bring a friend, advocate, or other person to the meeting for support.
- The right to request a copy of the final IEP for your child.
- The right to request an IEP meeting any time you think one is necessary. (A sample letter, "Request for IEP Meeting," is included in Appendix B.)

Now that the IEP has been developed, the next step is placement -- deciding upon the location where the services and activities outlined in your child's IEP can be most effectively provided.

Step 4: Placement

WORDS TO KNOW

- **PLACEMENT:** Refers to *where* the child will be taught. Because different children have different needs, the law requires that schools have a number of different choices available for students with handicaps. These choices might include:

    - Placement in a regular classroom
    - Placement in a regular classroom with special help, including the use of special equipment or materials, tutoring by the teacher or a peer, or the services of a consultant
    - Placement in a resource room for part of the day
    - Placement in a special class within the school
    - Placement in a special day school for students with handicaps
    - Placement in a residential school for students with handicaps

- **MAINSTREAMING:** Refers to the integration of handicapped and nonhandicapped students. It is based on the belief that students with handicaps have the right to attend school with nonhandicapped students. Mainstreaming allows the student who has a handicap to be a part of the real world and to learn to interact with all kinds of students and adults. It is an approach that has already been used successfully with many students with mild handicaps. The practice of mainstreaming students with more severe handicaps is relatively new.

    This term has been the source of some confusion for parents and school personnel. Many have viewed mainstreaming simply as the practice of placing children with handicaps in regular classrooms for instruction. This is not what mainstreaming means. In fact, mainstreaming is a process of gradually moving students with handicaps into the regular education system where they are integrated, to some extent, with nonhandicapped students. Mainstreaming does not mean that special classes and centers should be abolished. These placements should still be provided for students who need them, but more thought should be given to how these settings can be made less restrictive.

    Mainstreaming, then, means different things for different students. For some students, mainstreaming might mean movement from a special class to a regular class. But for other students, mainstreaming might mean movement from a special day school to a regular public school. In this case, the students might receive all instruction in a special class, but be integrated with nonhandicapped students for activities such as lunch, physical education, or music.

- **LEAST RESTRICTIVE ENVIRONMENT:** Often called LRE, this is a legal term that refers to the right of every student with a handicap to be educated with nonhandicapped students *to the maximum extent appropriate*. A child cannot be removed from a regular school program unless the child cannot learn in the regular setting because of the nature or severity of the handicap.

    The important part of this definition is "to the maximum extent that is appropriate." The goal is to provide each handicapped child with a learning environment that will meet the child's individual needs. Children must be assigned to classes and teachers based on their educational needs, *not* their handicapping condition. Each evaluation must be based on the child's individual needs. Each IEP must be based on the child's individual needs. In the same way, each placement decision must be based on the child's individual needs.

The term "**L**east **R**estrictive **E**nvironment" means many different things:

- **LRE** means that handicapped children have the right to attend their neighborhood school if the required services are available there. All barriers (anything that stands in the way of a handicapped child attending school) must be removed. These barriers may be architectural, physical, financial, or attitudinal.

- **LRE** means that your child is entitled to participate, if he or she is able, in *nonacademic courses* that are available to other students in the school. These might include physical education, industrial arts, fine arts, music, home economics, or vocational education. These courses may need to be adapted to meet your child's particular needs. Further, other school activities — athletics or social and recreational activities, for example — should be made available whenever these activities are appropriate for your child.

- **LRE** means that your child has a right to have as long a school day and school year as nonhandicapped children in your district, unless a different schedule is necessary because of your child's individual needs.

- **LRE** means that classrooms and other facilities for children receiving special education must be in as good a condition as those available to other students in the district. Further, the school district must make sure that handicapped children are not kept out of certain school programs because of physical barriers in the school building, e.g., stairs or narrow doorways.

- **LRE** means that children with handicaps have the right to a place in their community along with all other children.

THE PLACEMENT PROCESS

The placement decision is made at the IEP meeting by the IEP team. It should be the last decision made at the meeting. The evaluation information is used to write the IEP. The IEP is used to decide on the child's placement. The placement decision, then, must be based on the individual needs of the child and on the goals and objectives developed for the child's education.

The category of handicap should not be the basis for the placement decision. For example, some children who are mentally retarded might be able to learn in a regular classroom with some time spent in a resource room. Others might need the services provided in a special class. Others might benefit most from placement in a special day school or in a residential school. Clearly, the same placement would not be "least restrictive" for all children with mental retardation.

. What are the child's strengths and primary learning needs?

. What type of educational setting can most effectively help meet the child's needs? Why?

. Is the child able to be successful in an integrated program (with nonhandicapped students) for most of the day? For part of the day?

. To what extent should the child be integrated into the regular program and for what kinds of activities?

- Can the child be enrolled in the school that is closest to his or her home -- the school that the child would attend if he or she did not have a handicap? If not, what is the best placement that is close to the child's home?
- If the child requires placement in a special class or center, what opportunities will she or he have for interaction with nonhandicapped or less-handicapped peers?
- Does the physical environment of the setting allow for a wide range of movement and activity?
- Are the expectations of the staff realistic for this child?

Some of these questions will be difficult to answer. The team must carefully consider what is known about the child's strengths and needs.

YOUR ROLE AND RIGHTS AS A PARENT

Just as in the case of the IEP itself, you are an important member of the team making the placement decision. Ask to have all placement options explained. You may want to visit several different classes or settings that are possible placements for your child. This will help you to understand the options that are available. Think about your child's needs and the goals you have for his or her education. Carefully consider each placement option. Finally, make your views known to the team.

The school district must provide you with a written notice before your child is placed in special education for the first time. This notice should explain the action to be taken and the reasons for the action. (A sample form, "Prior Notice and Parental Consent for Initial Placement in Special Education," is provided in Appendix D.) As a parent you have several rights that relate to the placement decision for your child. As in the evaluation and the IEP process, the school must give you a written notice of those rights and must carefully explain them to you. The school must answer any questions that you have and must help you to understand what is being suggested for your child. Your rights in the placement decision include:

- The right to have your child attend his or her home school, if possible. If this is not possible, you have the right to have your child enrolled in the school closest to your home that has the kind of program that your child needs.
- The right to have your child educated with nonhandicapped children to a degree that is appropriate to your child's needs.
- The right to have your child participate in nonacademic and extracurricular activities that are available to other children in the school. If adaptations, for example, special transportation, are necessary for your child to participate, the school must make these adaptations.
- The right to give your consent for the placement (which can later be revoked) or to refuse consent for the placement.

Step 5: Review

WORDS TO KNOW

- **REVIEW:** Is not a technical term. It means just what it says. All of the decisions made as part of your child's evaluation, IEP development, and placement must be reviewed on a regular basis.
- **REEVALUATION:** Your child must be reevaluated at least every three years by the multidisciplinary team (MDT).
- **IEP REVIEW:** A new IEP must be written at least once every year. This review includes an IEP meeting.
- **PLACEMENT REVIEW:** A new placement decision must be made at least once every year.

THE REVIEW PROCESS

The decisions made during the evaluation, IEP, and placement processes help to provide your child with an appropriate education — an education that meets the child's individual needs. But as your child grows and gains new skills, those needs will change. In order for the educational program to *continue* to meet your child's needs, all of these decisions must be reviewed on a regular basis.

. *Reevaluation*

As a part of the instructional process, most teachers give tests and evaluate student performance to see what students have learned. This is done for all students. However, for every child with a handicap, a reevaluation must be done at least every three years.

A reevaluation can happen more often if it is needed. As a parent you can request that your child be reevaluated if you feel that important changes have occurred and that the old evaluation is no longer accurate (See sample letter, Appendix B.)

The school is not required to obtain your written consent for reevaluations. The school is required, however, to let you know ahead of time that your child will be reevaluated. There is one exception. If the proposed evaluation includes the administration of an intelligence test and/or personality assessment, the school district must secure your written consent. For any reevaluation, the school must also give you a list of your rights and explain those rights to you. (A sample form, "Written Prior Notice for Reevaluation," is included in Appendix D.)

. *The IEP Review*

The IEP is your child's personal educational plan. A good IEP will reflect:

- The strengths and needs of the child.
- The goals and objectives for instruction.
- The proper amount of special and regular education services.
- The related services needed by the child.

As a child changes, the plan will have to change. Strengths and needs do not stay the same. With special help, your child may gain new strengths. It is also possible that your child will develop new needs. New goals and objectives will have to be written. Different amounts of regular and special services may be necessary. Different related services may be called for.

A new IEP must be written at least once a year. Some schools review and rewrite IEPs at the end of each school year for all students who are in special education. In other schools, each child's IEP review happens one calendar year after the prior IEP was written. For example, if your child's IEP were written in December, a new IEP would be written the following December.

It is important to note that an IEP is written to cover only one year at a time. In the case of a high school student, parents and school personnel may meet and develop long-range plans that cover three or four school years. Such planning can be extremely useful to guide the student's secondary program. This planning does not substitute for the annual IEP review, however. Each year, the team must still meet to outline the specific goals and objectives for the child for that year.

As with the evaluation, you can request a new IEP for your child whenever you feel that the current IEP no longer reflects your child's needs. Often the teacher will see changes in your child's strengths or needs and will call a new IEP meeting.

Each IEP review involves the same steps as the original IEP. A meeting must be held and must be attended by the IEP team. All information about the child must be discussed and used to write educational goals and objectives.

. *The Placement Review*

Just like the IEP, the placement decision must be reviewed at least once a year. This review usually happens as part of the yearly IEP meeting. If your child's needs are the same, the placement may stay the same. If your child's needs have changed, a new placement may be chosen.

The placement decision can be reviewed more often than once a year. If you feel that the placement is not meeting your child's needs, you can request a placement review and change. Teachers may also notice problems with a child's placement and ask for a placement review.

Once your child has been in special education, the school does not need your written consent to continue the placement or change the placement of your child. The school *must*, however, involve you in all placement decisions. This means that the school must notify you ahead of time when the placement decision is to be reviewed. The school must listen to your ideas about the placement of your child. The school must give you a written list of your rights and must explain those rights to you.

It is important that you know that removing a child from special education is considered a change of placement. In the same way, expelling a handicapped student from school is a change of placement. Any time that the school proposes a placement change, including these examples, you must be notified before the placement change happens. The school must tell you the reasons for the suggested change and explain your rights as a parent.

SUMMARY

In this section we have highlighted the important decisions that must be made:

- The decision to make a referral.
- The decision to evaluate.
- Decisions about the type of evaluation information to collect.
- Decisions about educational goals and objectives.
- Decisions about needed special services and related services.
- The decision to place the child in a specific educational setting.

All of these decisions take time. They require a good deal of information about your child. They require the cooperation of a team of people who know your child and understand your child's needs. The initial decisions -- from referral to placement -- represent a good start. The work of the team is not over, however. If your child is to continue to grow and learn, the work of the team must continue throughout the time your child is in school or until your child no longer needs special help to learn. Under Oregon law, children can be educated until they reach age 21; in Oregon, a school district is required to serve a handicapped child up to age 21 if that child needs special education and related services.

Your role as a parent continues to be important long after the IEP is written and the placement decided. The plan for your child must be put into action. Once services start, it is important to monitor what is happening -- to see whether the plan is working or whether changes in the plan are needed.

There are a number of ways you can remain actively involved after your child is placed in special education. The following ideas are simply suggestions. Some may work for you and some may not.

1. **Make an appointment and visit your child's classroom.** Observing helps to keep you up to date on what is happening with your child in school. You can see your child's progress firsthand – both the successes and the problems. These visits give you the opportunity to talk with your child's teacher, to show your interest, to express your concerns, to ask questions, and to make suggestions for changes in the plan. By watching your child and talking with your child's teacher, you learn what is realistic for your child. You may also get ideas about how to be more effective with your child at home.

2. **Volunteer to assist in your child's classroom.** Many special education programs use parent volunteers in the classroom. Some programs provide training for parents. Find out if your child's school has such a program. Parent volunteers can observe and acquire effective teaching skills that can be used to help their child at home. Some programs arrange for parent volunteers to work in the classroom with a child other than their own — at least in the beginning.

3. **Arrange for a home visit.** A home visit is another way to keep in touch with your child's teacher. Encourage the teacher to describe what is happening at school, to tell you about the progress your child is making, and to explain any concerns about the program. Tell the teacher about the progress you have seen, and share your concerns. Make any suggestions for changes or modifications that you feel are necessary. Ask for suggestions about how you can help your child at home. If it is not feasible to have a visit with your child's teacher in your home, a telephone conversation at a time mutually convenient for you and the teacher may be equally productive.

4. **Plan a home program for your child.** Children with handicaps have special needs. A good school program is important, but school time is only a part of your child's day. Working with your child at home can provide a boost to your child's progress. Planned home training by parents, when combined with work at school for the child, can greatly increase the rate at which a child learns a particular skill. The time you spend with your child at home will also help you to be a better team member. You will learn what works and does not work with your child. Sharing these observations can help your child's teacher to modify plans for school work. Parents of children with handicaps often need teaching and parenting skills beyond those needed by other parents. Encourage your child's teacher to provide suggestions and ideas that might help you build your home program. Keep in close contact with the school and let your child's teacher know how the program is working.

YOUR ROLE AND RIGHTS AS A PARENT

The school is required to give you written notice whenever any changes are proposed in:

- The handicapping category (identification) used for your child.
- The evaluation of your child.
- The IEP for your child.
- The placement of your child.
- The provision of a free appropriate public education for your child.

This notice must include an explanation of the action to be taken and the reasons for this action. (Sample forms, "Prior Notice for Reevaluation," and "Prior Notice of Change in the Individualized Education Plan, Placement, or the Provision of a Free Appropriate Public Education," are included in Appendix D.) The school should also provide you with a statement of parent's rights. ("Parent Rights in Identification, Evaluation and Placement" is included in Appendix D.)

The notice given you by the school must be written so that you can understand it. For example, Spanish-speaking parents must be given the notice written in Spanish. If you do not understand any information in the notice or statement of rights, ask school personnel to explain it to you.

There are several parent rights that you should be aware of, including:

- The right to be informed *before* any changes are made in your child's identification, evaluation, IEP, or placement. The proposed changes and the reasons for the changes must be explained to you.

- The right to request a reevaluation of your child if you feel that the old evaluation is not accurate.

- The right to challenge the handicapping category chosen for your child.

- The right to request a new IEP meeting and to suggest changes in the content of your child's educational plan.

- The right to request a review of your child's educational placement or to challenge the educational placement chosen for your child.

- The right to involve a friend, an advocate, or an attorney to support you as you participate on the team.

This list does not cover all of your rights. There are a number of rights that deal with your child's school records. These records include information on the tests given to your child, the identification of your child as handicapped, and the recommendations for services for your child. It is important that you know what records are kept and what information is included. Record keeping and your role as a parent are discussed in Section VI of PIP.

SECTION IV

SPECIAL NEEDS OF HIGH SCHOOL STUDENTS: VOCATIONAL EDUCATION, GRADUATION, AND TRANSITION

SECTION IV

SPECIAL NEEDS OF HIGH SCHOOL STUDENTS: VOCATIONAL EDUCATION, GRADUATION, AND TRANSITION

There are several areas of special interest to parents of high school students. This section deals with three of those: vocational education, graduation and transition.

Vocational Education

WORDS TO KNOW

- **VOCATIONAL EDUCATION:** Refers to a combination of learning experiences such as work experience, coursework, and the development of appropriate job skills that lead to successful employment.

THE LAWS MANDATING VOCATIONAL EDUCATION

Three laws affect your child's right to vocational education: (1) PL 94-142, (2) Section 504 of PL 93-112, and (3) PL 94-482 (the Vocational Education Act Amendments of 1976). PL 94-142 says that special education includes vocational education if it consists of specially designed instruction, at no cost to the parents, that meets the unique needs of a handicapped child. Vocational Education is defined as "organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment."

PL 94-482 requires that the vocational education plans for an individual child must be coordinated with the child's IEP. Section 504 states that children with handicaps cannot be excluded from programs such as vocational education. They must have the same opportunities as children who do not have handicaps. It also provides for a free appropriate public education which will meet the individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons. All three laws mandate equal opportunities for students with handicaps to be educated and trained for employment in the least restrictive environment.

STARTING PREVOCATIONAL EDUCATION EARLY

In the preschool and elementary school years of your child's education, you will want to include vocational goals in the IEP. These goals, called prevocational, differ from the vocational (job-related) ones which come later. Early on, prevocational goals should be things that will help your child survive in the mainstream of society; for example, learning to dress oneself, learning appropriate social skills, learning to use money, learning to tell time and keep to a schedule, learning to use bus schedules, and so on. At this age, your child should also be aware of the many different types of jobs that people do, what the job entails, and what special skills and equipment are required. This is sometimes called *career awareness.* All of these things can be written into your child's IEP.

There are many things that you as a parent can do at home to enhance learning in vocational education. Give your child opportunities to practice some of the things being worked on at school. For example, expect your child to perform chores like cleaning, cooking, and helping with laundry. Take your child shopping. Set up a savings account and help your child deposit some money earned from doing odd jobs or from an allowance. These activities should increase in difficulty and responsibility as your child moves into the middle school years.

VOCATIONAL ASSESSMENT

At the junior high school level, many children with handicaps are ready to begin some specific vocational education classes. This is especially true for those children who are having a difficult time mastering academic subjects. Appropriate prevocational programs will assist the child in developing some real skills. They may also motivate the child to learn number or reading concepts, since these concepts apply to something he or she wants to master.

Around the time students reach junior high, their vocational goals should begin to relate to actual skills needed to get a job. A good way to determine which skills to work on is to conduct a vocational assessment. Who conducts the evaluation will depend mainly upon the resources available in your school and community. Ask the special education teacher or district representative where such an assessment can be obtained.

A vocational assessment, like other assessments (see Section III), should reflect a child's strengths and weaknesses, not test what the child does or does not know. The tests must not be discriminatory. All the requirements about evaluations in the PL 94-142 apply to vocational testing as well. Furthermore, vocational assessment should include "hands-on" testing; that is, the child must be assessed in a real or close-to-real work environment using real objects. Part of the vocational assessment includes various vocational options.

A thorough vocational assessment should include the following information:

1.	*Thinking Skills (cognitive)*	basic reading and math problem-solving abilities
2.	*Physical Skills (motor-manual)*	eye/hand coordination fine motor skills physical strength, vitality
3.	*Social Skills (interpersonal)*	work attitudes ability to cooperate and work with others self-confidence and self-concept relating to others and communicating
4.	*Visual Perceptual Skills*	discrimination ability recognition of visual relationships
5.	*Work Aptitudes*	following directions planning and organizing skills improvement with practice
6.	*Work Behaviors*	motivation concentration persistence acceptance of criticism
7.	*Interest*	personal goals and interests hobbies and leisure time activities

8.	*Previous Experience*	work, volunteer in school and at home work-related information
9.	*Evaluation of Employment Experiences*	references aptitudes strengths weaknesses
10.	*Community Adjustment*	social networks home and family relationship with peers in school teachers

The areas evaluated should relate to jobs available in the community. It makes no sense to assess a student's ability to do something he or she will never have the opportunity to do.

Research has shown that personal characteristics such as life goals, hobbies, extracurricular activities, creative accomplishments, and participation in community activities are better predictors of vocational *success* than intelligence, aptitude, or personality tests. It is very important, then, that these factors be included in a vocational assessment.

VOCATIONAL EDUCATION AND THE IEP

After the vocational assessment is completed, what comes next? The results should be translated into goals for your child to pursue. These goals should relate to the aptitudes your child has shown through the assessment. They should relate also to your child's interests and to what kinds of jobs are available in your community. These decisions result in the development of a vocational education IEP.

The vocational education IEP may or may not be separate from the special education IEP. Whether they are separate or not, they should be related. The special education goals for a student should be tied to the vocational goals. For example, if a student is working part-time in the student store, math goals could include counting money, making change, etc. This will require that various professionals communicate and work together. It is a good idea to have everyone who teaches your child come to the IEP meeting.

If your child has not participated in the IEP process and meetings before, now is the time to include him or her. Your child's input is essential. Including your child as a member of the team can be a vocational education experience in itself.

THE VOCATIONAL EDUCATION PROGRAM

The IEP should help those involved develop an appropriate vocational education program. It is important that the training that takes place at this time in your child's schooling lead to a job. You as the parent have an especially important role to play. Be sure your child is given experience in the community. Learning to ride the bus, banking, and grocery shopping are necessary to everyday functioning. Opportunities should be provided for training in community work sites where students learn about work in real-life situations. In community settings, students also learn important interpersonal (social) skills that can help them get and keep jobs in the future.

It needs to be emphasized that regular vocational education is more than shop or home economics. It should consist of training in marketable skills through the vocational program at school followed by work experience in the community where your child will eventually live and work.

Again, parents can add to the training going on in school. Give your child odd jobs to do at home and in the neighborhood. Mowing lawns, raking leaves, doing a paper route should be reimbursed at the rate you would pay any other young person. Also encourage your child to work at school in the office, with the custodian or cook, or in the gym room. Your child's exposure to many experiences and kinds of work will increase his or her chances of finding work.

Graduation

The vocational education program centers around building those skills that will allow your child to move from school into the community and the world of work. As you work with the team to plan your child's educational program, an important consideration is that of your child's graduation from high school. In Oregon, several graduation options are open to children with handicaps.

Students with handicaps may receive diplomas if all state and local requirements are met. Those requirements should be clearly spelled out for you in plenty of time to plan ahead for graduation. If you and the MDT determine that the requirements for receiving a "regular" diploma are not appropriate for your child, you may request that your child's program lead to an alternative award such as a *modified diploma* or *certificate of attainment.*

WORDS TO KNOW

- **DIPLOMA:** Awarded to students who have completed satisfactorily all state requirements for units of credit, competence testing, and attendance.
- **MODIFIED DIPLOMA:** Awarded to students who have satisfactorily completed an individualized education program for units of credit, competency, and attendance, but who have not completed all requirements for a diploma.
- **CERTIFICATE OF ATTAINMENT:** Awarded to a student who has completed some but not all requirements for a diploma or modified diploma as recorded on the student's transcript and summarized on the "Summary of Performance."

It is the State of Oregon's policy that each student should receive appropriate recognition for credits earned and progress attained. You may choose to have your school district indicate directly on the IEP the type of diploma or award your child will be working for. If your school district does not communicate with you about graduation, you should find out what your child's options are. Discuss this as early as possible to find out what types of recognition are available and just what is expected of your child.

SPECIAL EDUCATION AVAILABLE TO AGE 21

Under Oregon law, a child with handicaps can be educated up to his or her 21st birthday if special education services are needed. It does not matter whether the child has graduated from high school or not. If the child requires special education services, the local district is obligated to provide them. In some cases a local district may be able to arrange these services through a cooperative agreement with community agencies. In short, if your child would appear to benefit from special education services up to his or her 21st birthday, it is crucial that you talk now with school personnel about planning for your child's future and the transition to community life.

To assist parents in planning for their child's graduation and vocational education training, the Parents Graduation Alliance has published a booklet called the *Parent Primer.* This publication details how parents of severely handicapped children can plan for their child's high school program. (See Appendix A for mailing addresses.)

Making the Transition from School to the Community

WORDS TO KNOW

- **TRANSITION:** Refers to the process of a handicapped child moving from a high school-based special education program to community living. It includes the broad dimensions of employment, independent residential living (house, apartment), and social and interpersonal networks (family support, friendship and intimate relationships).

One of the main purposes of schooling is to prepare students to live full and productive adult lives. Your child who has a handicap is no exception, and that is why vocational education and training throughout his or her school career is encouraged. As a parent you must begin early to think about and plan for your child's life after school.

Schools are responsible for educating young people needing special education assistance until they turn 21. After that, a variety of adult services is available. You are the primary person involved with your child during and after school. By knowing what to do and where to go, you can help make the transition successful.

The first step in the process of facilitating the transition from school to the world of work is a good school instructional program with appropriate vocational education and work experiences. All of the points discussed regarding vocational education apply here, too.

The second step, and probably the key to successful transition, is to *plan ahead.* The Oregon Association for Retarded Citizens recently passed a resolution recommending that age 14 be the latest age to begin transition planning. Start when your child's vocational assessment is done to make a list of the areas which will need transition planning. Some of these areas may include: work, community living, and interpersonal network.

Not all children with handicapping conditions will make the transition directly to the community. Some may pursue their career choices through two- or four-year colleges. A number of colleges offer support services to handicapped individuals during their college enrollment, e.g., interpreters, audio tapes, remedial courses, etc.

Become aware also of the employment alternatives available to your child upon graduation. Hopefully there will be someone in the school who can assist you in this process.

The Oregon Mental Health Division's Program for Developmental Disabilities does assist with the transition of young adults to the world of work. If you don't know of a mental health office near you, ask your school district how to get in touch with the one which serves your area. Finally, begin to become familiar with the adult service agencies in your community, such as Vocational Rehabilitation, Vocational Technical Training Centers, and Mental Health, which may be able to provide services to your child after graduation.

The third step in the transition process is to place your child in meaningful employment. There should be a variety of optional work settings available for *employment* (persons with mild handicaps and good social interpersonal skills may qualify); *competitive employment with support* (a job coordinator takes care of individualized on-the-job training and followup); or *specialized industrial training* (workers with handicaps learn complex high technology tasks in a workshop setting). These and all other options should be considered while your child is still in school. Once a decision is made to focus on a particular option, the school vocational program can be geared toward eventual placement.

Although the emphasis here has been on planning for work, there are several other areas of your child's life to consider. While your child is still in high school, you can make plans for some or all of the following areas:

1. Income/financial support
2. Vocational placement training
3. Living arrangements
4. Personal management needs
5. Community/leisure options
6. Transportation
7. Medical needs
8. Advocate/guardianship
9. Maintenance of family relationships

All of this may indeed sound overwhelming, but it is nevertheless best to plan for your child's needs ahead of time. The school can assist you in coordinating with the appropriate agencies in your community as you decide what services are needed.

A transition manual has been developed for parents by the Parent Graduation Alliance. It contains information on how to plan for transition, identifies crucial timelines, highlights a checklist of things to do, describes helpful community resources, etc. (See Appendix A for mailing address.)

SECTION V

STUDENT DISCIPLINE MEASURES: SUSPENSION AND EXPULSION

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STUDENT DISCIPLINE MEASURES: SUSPENSION AND EXPULSION

Suspension and expulsion are procedures that school administrators use to discipline students who have violated school rules. While there have been several legal challenges to a school district's authority to suspend or expel a child with a handicap, it seems clear that districts have the authority to remove these students from school under certain conditions.

This section will highlight the various procedures and steps that school districts are required to follow. Understanding these procedures can help you as a parent to take an active role in the decision making that is required if your child's behavior leads to disciplinary action. (Suggested school district guidelines for suspension and expulsion are included in Appendix F. These provide a model for you to compare with the guidelines available in your own local school district.)

First of all, it is important to know what suspension and expulsion actually mean. This section defines these terms and then provides an explanation of the processes involved in the suspension and the expulsion of a student with a handicap.

WORDS TO KNOW

- **SUSPENSION:** The removal of a child from school or classes for not more than seven calendar days. Sometimes a child who is suspended will continue to attend school, but will not attend classes. This is called *in-school suspension.*

- **EXPULSION:** The removal of a child from school for 10 calendar days or more. While there is no specific time period identified under Oregon law, the removal of a child from school for 10 days or more is the accepted standard established in several federal court cases.

SUSPENSION: UNDERSTANDING THE PROCESS

In the case of school suspension, a child with a handicap is treated just like other students. In suspending a student, school administrators must:

1. Describe the infraction.

2. Give the student a chance to tell his or her side.

3. Notify the parents of the suspension, the conditions for reinstatement, and the appeal procedure.

If a school district decides that a child's behavior violates the student rules, the child can be suspended immediately and the parents notified afterwards. Schools have the right to remove a child immediately from school if they are a danger to themselves or to others. However, parents must be informed of both the conditions of the suspension and of the student's misconduct.

If your child has been suspended more than once, it may indicate that the current placement or IEP are inappropriate. A series of short suspensions that exceed 10 days may actually be considered an expulsion. It is important to note that very different procedures are followed in the case of an expulsion. These procedures are outlined later in this section.

Suspension can be used as an effective way to address the inappropriate behavior of some children. The consequence of suspension can be very powerful when the school and parents develop a plan of behavior management (discipline) together. Suspension can also be used as a first step in a school district's consideration of long-range school removal or expulsion.

EXPULSION: UNDERSTANDING THE PROCESS

The expulsion of a child who has a handicap is a very different matter. The use of expulsion with these children needs to be understood in light of federal and state laws, and several court cases that have dealt with this topic. What has emerged from these sources is an outline of requirements and considerations that school administrators must keep in mind.

- If a school district proposes to remove a child for 10 calendar days or more from school, it is considered an expulsion.

- Before a handicapped child can be expelled, the school district must decide if the infraction or violation of student rules is related to the child's handicapping condition. For example, if a student, identified as emotionally handicapped, hits another student, does the aggressive behavior (hitting) relate to the child's emotional handicap? Another example might be a child with learning disabilities who refuses to attend some of his or her classes, swears at teachers and students, and destroys school property. Does that behavior relate at all to the learning disability?

- It must be determined whether the infraction or misconduct is in any way related to an inappropriate placement. For example, if a child placed in a regular class seems unable to follow directions and disrupts other students while they are working. Is that misconduct the result of an inappropriate placement?

- The *relationship question* and *placement question* need to be answered by individuals who know about the child's handicapping condition. In most cases this would involve the multi-disciplinary team members who most recently evaluated the child.

- If the team decides that there *is a relationship* between what the child did (the infraction) and his or her handicapping condition, and that the infraction is the result of an inappropriate placement, the CHILD CANNOT BE EXPELLED. Instead, the school district shall call an IEP meeting to determine whether the current program and placement are adequate for the student's needs. When a student's behavior is disruptive to the education of others, the multi-disciplinary team should consider the following options:

    - Additional related services.

    - A more intensive behavior management program in the child's current placement.

    - Increased time in the current special education program;

    - The provision of a special education program in another possibly more restrictive setting such as a self-contained classroom, special school or alternative school.

    - Involvement with programs funded by other agencies such as the Oregon Mental Health Division, Children's Services Divisions, the Division of Vocational Rehabilitation, etc.

- If the team decides that there is *no relationship* between the infraction and the handicapping condition and that the placement is *appropriate*, the CHILD CAN BE EXPELLED. In this case, the following procedures become effective:
  - Because expulsion of a student exceeds 10 days, it is considered a *change of placement*.
  - Before a change of placement can take place, the school shall:
    - Notify and inform parents of the *expulsion hearing* and their right to attend the hearing.
    - Provide written notice to the parents about the intent to change the placement of their child.
    - Inform parents about the procedural safeguards available to them under PL 94-142, including the right to request a due process hearing.
    - Suggest alternative programs of instruction or instruction combined with counseling for the pupil.
    - Convene an IEP meeting to discuss the child's change of placement and to develop an IEP for the expulsion period.
    - During the expulsion period, the parents and school district should monitor the child's IEP.
    - Before the expulsion period is over, an IEP meeting should be convened to develop adjustments in the child's IEP where appropriate and to consider future disciplinary procedures for the child.

It is important to note that special education and related services *cannot be* withdrawn during the expulsion period. Neither can the school district offer only extremely narrow educational services. Parents have every right to negotiate for an appropriate program for their child during this period. Some parents would argue that, if anything, students with handicaps need a more intensive program or plan of services during expulsion from school. The school district and parents should explore alternative programs and services that will provide an appropriate educational program for the expelled student.

The student's right to education in the least restrictive environment still applies during a period of expulsion from school. Removal of a child with handicaps from school may violate the PL 94-142 requirements for a least restrictive placement if the educational program does not strive to educate the child with other students who do not have handicaps. Some courts have stated that homebound instruction may be too restrictive in some cases. Parents and school personnel should work to develop the appropriate placement — one that is not too restrictive – for the child during this period. Some alternatives might include: (1) placement in a program in a different school in the district, (2) placement in a school program in a neighboring district, (3) placement in an alternative school or alternative program within the district, (4) placement in a private school, or (5) placement in a day treatment facility or residential school.

As a parent you have the right to request a due process hearing to contest the district's decision to expel your child or to contest the alternative program the district proposes. (See Section VII for information about the due process hearing procedure.) If a hearing has been requested, your child will remain in his or her current placement until the hearing is over. However, there are two exceptions:

- If the district and parents agree on a temporary change of placement; or
- If the child is endangering himself or others, or if the child's conduct and condition constitute an imminent danger to the health or safety of the child or others.

SECTION VI

SCHOOL RECORDS: PARENT RIGHTS AND RESPONSIBILITIES

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SCHOOL RECORDS: PARENT RIGHTS AND RESPONSIBILITIES

All schools keep records on the students enrolled. These records are an important source of information for administrators and teachers. A student's file may contain classroom assignments, grade reports, scores of tests administered by the school, and records of medical check-ups and immunizations. In Oregon, three types of records are kept.

1. ***The Permanent Record Includes:***

    - Name of the school
    - Name of the student
    - Date of birth
    - Name of parents, legal guardian, or surrogate
    - Date of entry into the school
    - Name of schools previously attended
    - Subjects taken in school
    - Grades received and/or credits earned
    - Attendance
    - Date of withdrawal from school
    - Other information as required by the school district

    The Permanent Record is kept on file indefinitely after a student has graduated or left the school.

2. ***The Progress Record includes information on:***

    - Courses taken
    - Grades
    - Attendance
    - Achievement tests
    - Health records

    The Progress Record often includes the Permanent Record. These records are sent to the new school when the child moves or transfers.

3. ***The Behavioral Record Includes:***

    - Psychological or intelligence tests
    - Personality evaluations
    - Records of conversations
    - Any written transcript of incidents relating specifically to student behavior.

    Behavioral records are not automatically sent to the new schools when a student moves or transfers. A school will send a behavioral record to a new school only if the parents or guardians of the student request that the record be sent.

In the case of students with handicaps, school records are particularly important. When a learning problem is first noticed and a student is referred, school personnel will often review a student's file for any information that might help them to understand the nature of the problem. (This review was described in Section II as part of the screening process.)

After a student is referred, more information is collected during the evaluation and IEP processes. This information becomes a part of the student's file and is used to make the series of decisions about educational planning for the student.

As a parent *you have a right to know what information is included in your child's file.* As a team member - and a parent - you have a responsibility to be aware of and familiar with this information. The more information you have, the better able you will be to make sound decisions for your child.

This section of PIP provides important information about student records. It is divided into two main parts: (1) Parent Rights, and (2) Parent Roles and Responsibilities. Under Parent Rights, specific rights are outlined and explained. Two special cases are also discussed: children over 18 and surrogate parents. Parent Roles and Responsibilities provides suggestions for keeping a home file on your child and for preparing for a move to a new school.

PARENT RIGHTS

. *School Records*

The school is required to keep a list of the types and locations of records kept on each child. The school will provide this list to you if you request it. You have a right to see all records kept by the school district concerning your child. The only exception is notes made by a teacher or other school district employee for his or her own personal use.

You may read the records, take notes on what they contain, and have copies made for yourself. The school district must let you see the records within 45 days from the date you request to see them. Note: If you have an IEP conference scheduled, or if you have requested a hearing because of a disagreement with the district concerning your child, the district must let you see and copy the records before the conference or the hearing. The district may ask you to pay for the cost of copying the records. If you are not able to pay this cost, however, the district must give the copies to you without charge.

Someone from the school district must be present when you look at the records. This person will help you to understand the contents. If you are deaf or do not speak English, the school must try to translate for you or help you find an interpreter. School records usually contain test scores and other notes that are difficult to understand. If something is not clear to you, ask questions.

The only kind of information which the school district can keep on your child is that which is related to your child's education. If a teacher or another school employee enters comments about your child in the file, those comments must be based on the person's own knowledge or observation, rather than on hearsay or suspicion. The notes should also be signed and dated by the person who made them.

If you find information in your child's records that you think does not meet these requirements or is inaccurate or incomplete, you may ask the school principal to correct or destroy those records. If the principal refuses, contact the school superintendent and explain the details of your disagreement. The superintendent should meet with you within a reasonable period of time. If your contacts with the principal and the superintendent do not clear up the problem, you may then request a student records hearing with the school board for a final decision. In any case, you can write a statement explaining why you feel the record is inaccurate or misleading. The school must then include your statement in the file.

There are only a few people who may see your child's records without your written permission. For example:

- The staff of the school providing educational services to the child.
- State department of education officials.
- Researchers who will keep records anonymous and confidential.

Except for school staff, a record must be kept when anyone sees a file. This record must include: the name of the person, the title of the person, the time, the place, the reason, and the purpose for which the information will be used. The record is usually kept in the file so that you will know who has had access and why. You can see this information at any time.

When your child graduates or otherwise leaves the school district, the district is required by law to keep certain basic information as a permanent record. Copies of all other information in your child's records, including all child study team evaluations and IEPs, can be forwarded to the new school in case of a transfer. You may request that the district destroy any remaining special education records that are no longer being used to provide education to your child. The school district must comply with your request as soon as the law allows.

If your child has been placed in a private school *by your district*, you have the same rights concerning your child's records as you would if the child attended public school. All requests to see, change, or destroy records should be made to your local district.

Special Cases

The previous section discusses parents' rights regarding student records. There are two special cases that are important for parents: (1) Children over age 18, and (2) Rights of surrogate parents.

Children Over Age 18

When your child reaches age 18, the school may transfer the rights discussed in this section to the student. This means that the student may have the right to access, and it becomes the student's responsibility to give consent to allow other people access to information in the files.

In some cases the transfer of rights from parents to student does not happen at age 18. If the student's handicap is so severe that the student cannot assume responsibility for educational decisions, the parents retain the responsibility. Parents of students between age 18 and 21 still have the right to review information in the files as long as they are responsible for making decisions about the education of their children. Finally, the school will allow parents access to records if the parents are still responsible for the student for tax purposes and need specific information in the file.

If your child is 18 or will soon be 18, you may want to ask the school principal to explain their records policy for students age 18 and older.

- **Surrogate Parents**

In most cases the rights of parents described in this section apply to surrogate parents also. There is, however, one exception that is important. Surrogate parents cannot give consent for the release of file information to others. The surrogate can personally have access to the information. But if records are to be released to a third party — someone other than school personnel or the surrogate — consent must come from the child's legal guardian or an individual having the written power of attorney to act on behalf of the legal guardian.

. ***Summary***

The area of parent rights and school records is an important one. In general you have the right to see the records kept on your child. In addition, you have certain rights that protect you and your child — rights to confidentiality of student records. The following is a summary of your rights as discussed in this section:

- The right to request a list of the types and locations of school records on your child.
- The right to inspect and review all records on your child, including the right to have copies made.
- The right to request changes in your child's records, including taking out information, making changes in information, or adding information that you feel is important.
- The right to request a student records hearing to challenge information in your child's record. (This is a local hearing held by school officials and is not the same as a due process hearing.)
- The right to refuse consent for the disclosure or use of information in your child's file to anyone who is not directly responsible for providing education to your child.
- The right to request that information in your child's file be destroyed when it is no longer being used to provide educational services.
- The right to have another person who represents you review your child's records. This person may be your attorney, a child advocate, or a friend you have chosen to provide support to you in making decisions for your child.

PARENT ROLES AND RESPONSIBILITIES

As the parent of a child with a handicap, it is important that you be as fully informed as possible; that is, that you know all of the information related to your child's educational needs. This includes being fully informed about your child's specific disability — how your child's functioning is affected by this disability, what physicians and/or therapists have identified as areas of concern, and what recommendations they have made. It is important that you are aware of all educational evaluations done on your child. This information will help you to be an active team member and to reach sound decisions about the education and related services that can best help your child.

Two areas of parent involvement relating to child records are of particular importance: (1) Keeping a home file and (2) Preparing for a move to a new school.

- ***Keeping a Home File***

A great deal of information is collected as part of the decision making and planning process for educating your child. This is a lot of information to keep in one's head. Additionally, much of the information may be given to you in technical jargon, making it difficult to understand. Clearly you should always be ready to ask questions and seek explanations when information is unclear. Beyond this, you may find it very useful to maintain your own file on your child.

A home file can serve as a chronological documentation of your child's development. It can help you to document your child's special needs. It can help you as you prepare for your child's IEP meetings and as you consider changes in your child's educational program.

If your child is in school, you can start your home file by reviewing your child's educational records. Call the school district and make an appointment to do this. Request that someone from the school district who is knowledgeable about testing procedures be present so that you may receive explanations about the information you do not understand in the records. Ask for copies of any records that you feel are important. (You may be asked to pay for the copying. If you are unable to pay, the school must provide the copies without charge.) Take notes. Note every item and its date. This will help when you review the records at a later time.

Add to your home file all the reports you have received from other professionals who have seen your child, including doctors, social workers, psychologists, psychiatrists, tutors, physical therapists, occupational therapists, or speech therapists. It is especially important to have copies of any recommendations from professionals outside the school district.

Keep in your home file copies of your child's IEPs and any written correspondence with the school district. You may also want to keep a log of telephone conversations with school district personnel. Note the date, the person you talked with, and what was discussed. Be sure that you note the date that you can expect further information on any unanswered questions. By keeping a log you will be sure that you are recalling conversations accurately.

You may want to include samples of your child's work in your home file. Report cards or other records of grades are an important part of your file. You may also want to add your own observations of your child's interests and abilities, as well as notes on ways that you have found to help your child function more independently. Include in this section of your home file any information that you think might be helpful to you or to the professionals who work with your child.

It is a good idea to file all of your records by dates. This will allow you to locate certain information more quickly. It will also provide a chronological record of your child's growth and progress.

Once you have compiled all of the above information, be sure to keep your home file up to date. Refer to it whenever you are preparing for an IEP meeting or when educational placement changes are being considered.

- ***Preparing for a Move to a New School***

Your child's school records provide an important source of information throughout his or her time in school. These records become particularly important when your child changes schools. Services can be interrupted when your child:

- Transfers from a preschool program to a public school.
- Enrolls in a new school district following a family move.
- Leaves high school following graduation.

Personnel at the new school or in the new setting do not know your child. Without the records they will have to begin again to collect the information needed to plan an educational program. Student records help to ensure that your child's program will continue on schedule with a minimum of lost time. They provide a description of your child's needs and educational program. They trace the services provided to your child and the progress your child has made.

When your child changes schools, you play a very important role. The original team breaks up, and you may be the only remaining member who can communicate your child's needs to the new group. The records you maintain at home and the records collected by your child's school can help you during a move.

There is no one way to best handle a change of schools or educational settings. Beth Ann Kelly, a parent of a handicapped child, experienced such a move and presented several good ideas for other parents in *Exceptional Parent* (April, 1984):

1. **Write to the new school district before the move.** Describe your child's needs and ask about placement options. Ask the district what eligibility information is necessary to place your child in special education once you arrive.

2. **Make sure that your child's evaluation information is up to date.** If it is time for an evaluation review, ask the school to conduct the new evaluation before you leave the district. Be sure that the evaluation covers all areas of need for your child. Get copies of the results and any recommendations made by the team.

3. **Be sure that your child's IEP is up to date and that you have a copy.** If it is time for an IEP review, ask the school to hold the meeting before you leave so that the document is current when you arrive at the new district.

   It is possible, when transferring to a new district, that your child can be placed in special education without an IEP meeting. According to federal guidelines it would not be necessary for the new school district to hold an IEP meeting if:

   a. a copy of the child's current IEP were available;

   b. the parents indicated they were satisfied with the current IEP; and

   c. the new school district felt the IEP was appropriate and could be implemented as written.

   It is therefore crucial that you keep a copy of your child's most current IEP. It can certainly save your child time in getting needed services.

4. If your child is currently seeing a pediatrician, psychologist, counselor, or other professional outside of the school, ***make a final appointment and ask for a summary of the treatment program.*** Include any recommendations that might be helpful to the personnel in your child's new school or setting.

5. **Make two sets of copies of all important school records.** You should keep one copy in your home file. The other you can hand deliver to the new school once you arrive. While schools will often forward a child's records to a new school, this process often takes time. Services

for your child may be interrupted while waiting for the records to arrive. You should also know that some schools file IEPs with Behavioral Records because they contain intelligence test scores or other confidential information. This file will not be forwarded to the new school unless you give your written consent.

6. **Find out if your new community has any active parent groups.** Get in touch with them. These groups can provide an important source of support to you as you settle in to your new home and school district.

You should be aware that many schools will want to collect some of their own information on your child once you arrive. Often, school personnel will suggest that a new IEP be written for your child, even though your child's old IEP was written within the last few months. The records that you bring with you will still be helpful and should serve to guide planning and placement decisions for your child and speed up the process of getting services started.

SECTION VII

IF THE PARTNERSHIP BREAKS DOWN

SECTION VII

IF THE PARTNERSHIP BREAKS DOWN

EXAMPLES OF POTENTIAL DISAGREEMENTS

Throughout PIP, we have emphasized the positive benefits of the parent/professional partnership. When parents and school personnel are working together with the best interests of the students at heart, most potential conflicts can be avoided.

There may be occasions, however, when you, as a parent, disagree with a decision the school has made regarding your child. The law has set forth a procedure for dealing with disagreements if you are not able to resolve them informally. By law, a parent has the right to question and challenge a decision of the school district if:

Evaluation

. The school district refuses to evaluate or reevaluate your child.

. The evaluation of your child by the district was not adequate.

. You disagree with the identification, evaluation or diagnosis of your child.

. You are denied your request for an independent evaluation.

Individualized Education Plan

. The written IEP developed for your child does not address your child's individual abilities and needs.

. The services the school is offering are not what you expected or wanted.

. Services promised by the school have been unduly delayed or denied.

. Your child is showing no progress, or insufficient progress.

. Your views are not adequately considered by school personnel at the IEP meeting.

. Your request for a change in your child's IEP is ignored or denied.

Placement

. Your child has been placed in a segregated setting which is not "least restrictive" and which limits contact with children of a similar age who do not have handicaps.

. You feel your child requires an alternative private school placement, but the school district disagrees.

. The school wants to mainstream your child into the regular classroom setting, but you are not in agreement with the plan or degree of mainstreaming proposed.

Educational Records

- You have requested to see all of your child's school records and the school refuses.
- You believe that your child's records contain false or misleading information and have requested removal of that information, but the school refuses to do so.

The above are merely *examples* of the kinds of decisions a parent might disagree with. Disagreement between the home and school may result from any action of the school related to the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education.

If you should have a disagreement, there are several options for resolving it. The law gives parents the right to challenge school actions in a formal hearing. *You may request a hearing at any time.* Before a hearing, however, there are four other options that you can consider: (I) Informal resolution, (2) Independent Evaluation, (3) Mediation, and (4) State Complaint. This section describes these four options and highlights the due process hearing procedure. While there is much information here, you are encouraged to read about all of the options and about due process hearings so that you can appreciate the variety of alternatives available to you, ranging from ideas for informal negotiation to a legal hearing procedure.

INFORMAL RESOLUTION

It is often possible to resolve disputes informally without going to a hearing. Below are some ideas that may prove helpful to you as you seek an informal resolution of your differences with the school:

- **Seek clarification.** Be sure that you understand what is being said and what the terms mean. Breaking the "language code" of educators takes time. It is a good idea to write down your concerns and the questions you need answered. This really helps to clarify what you want to know and helps school personnel to understand what you need. Review PIP for information that might relate to your concerns. Take it and other information materials with you when you talk with your child's teacher or principal. Share your views with them.
- **Request an IEP meeting.** You can request that an IEP meeting be scheduled to discuss your concerns with the appropriate school personnel, including anyone you want to invite. You can bring an advocate, friend, or relative with you to the meeting. Such a meeting may help to "clear the air," or at least clear up any communication problems that may be causing the disagreement. Let people know that you are there to resolve the dispute that centers on your child. *Keep the focus on your child.* Bring to this meeting some ideas for solving the problem. Before the meeting, talk with someone who is not directly involved, a friend or relative, for example. This may help you to think of some additional ideas that may solve the problem. School personnel respond more favorably to ideas on what to do about the problem than to an emotionally charged discussion about what the school has not done. (See sample letter in Appendix B.)
- If you are still dissatisfied, **send a letter or call the school district's administrator of special education or the superintendent and explain your concerns.** Request that he or she review the issue with you. The staff of the Special Education Division of the Oregon Department of Education in Salem are also available to discuss particular issues with you. (The address and phone number of the state special education division is provided in Appendix A. See also the sample letter to Special Education Administrator in Appendix B.)

- If you have difficulty resolving a dispute, you may wish to **contact a community advocate, a representative of a parent association for handicapped children, or an attorney.** These people can help you determine whether your disagreement has merit and how you might proceed in resolving the problem. (A list of agencies and other resources is provided in Appendix A.)

Keep in mind that it is in your best interests, and those of your child, to explore every means to an informal settlement of the disagreement.

INDEPENDENT EVALUATION

Under Oregon law, you have a right to an independent evaluation at public expense if you disagree with the identification, evaluation, IEP, or placement of your child by the school district. A school district can refuse to grant an independent evaluation but then must hold a hearing to demonstrate that its actions were appropriate.

An outside, independent evaluation may clarify your child's actual need for special education and related services. An agreement should be outlined with school personnel regarding the conditions of the evaluation; that is, who does it, what is evaluated, how much time, total costs, etc. After the independent evaluation is completed, an IEP meeting should be promptly held to consider the findings and recommendations. (A more detailed discussion of the independent evaluation is presented in Appendix E. See also the sample letter requesting independent evaluation in Appendix B.)

MEDIATION

Mediation is a voluntary process for parents and schools. It is a way to resolve disagreements about a child's special education evaluation, program, or placement. A mediator helps the parents and the school representative consider and/or develop alternatives to the dispute. *The mediator does not make decisions.* The mediator may generate suggestions and alternatives for both parties to consider, but unless they agree on these suggestions, the mediator will not push for their acceptance.

Mediation is informal, unlike the courtroom atmosphere of a due process hearing. Both parties involved in the conflict meet together with a trained mediator in a confidential setting. The goal is to develop an agreement that is acceptable to all parties. There are no winners or losers. Since you will likely be involved with many of the same school people for several years, it is to your advantage to keep relations as positive as possible. Mediation may help you do this.

Either party can ask for mediation services to resolve their dispute. Because mediation is voluntary, parents or school people are not required to use it. Once both the parents and school officials agree to mediate, the school district contacts the Oregon Department of Education and requests that an educational mediator be assigned to the case. Mediations are usually scheduled within two weeks. Mediators have been intensively trained in resolving special education disputes. They are knowledgeable about federal and state laws related to children with handicaps and are experienced in group problem-solving procedures.

You can make a request for mediation in writing or in person. (A sample letter is provided in Appendix B.) Mediation services are funded by the local school districts at no cost to parents. Regardless of whether or not an agreement is reached through mediation, either party still has the right to request a due process hearing. Mediation can be used before or during a request for a hearing. Your agreement to mediate need not interrupt your request for a hearing, which will be honored following the required timelines if the mediation is unsuccessful.

STATE COMPLAINT

Another procedure available to parents to resolve special education disputes is the letter of complaint procedure, as described in Oregon Administrative Rule 581-01-010. A parent may submit to the State Superintendent of Public Instruction a letter describing the violation of federal law and regulations. Such a letter of complaint should state the specific facts involved in each allegation. The State Superintendent of Public Instruction must investigate the allegation of federal law violations and must attempt to resolve the dispute. If necessary, the special education division may conduct an on-site, fact-finding visit to determine if federal laws and regulations have been violated. In some cases, hearings have been conducted by the Oregon Department of Education to resolve the disputed issues. (A sample letter for a state complaint is provided in Appendix B.)

DUE PROCESS HEARING

When the dispute cannot be resolved, you have the option of formally rejecting the school district's proposal, plan, or actions, and may request a due process hearing.

An impartial due process hearing is held at the request of the parent or the school district. A parent's request must be in writing and sent to the school district office. (A sample letter is provided in Appendix B.) By law, the hearing decision must be made within 45 calendar days after the request. If both parties agree, it is possible to extend this time. If the parents request a hearing, the district must advise the parent of available free or low-cost legal service. (See Legal Resources, Appendix A.) They must also locate and pay for a qualified interpreter for any parent who is deaf or speaks a language other than English. (Of course, a parent may decline this service.) The district must keep a list of hearings officers and the qualifications of each. No employee of a public agency responsible for the education or care of the child in any capacity can serve as a hearings officer. Also, no individual with a personal or professional interest in the case can serve (a spouse, relative, employer, or co-worker, for example). At the close of the hearing, the hearings officer makes a decision regarding the circumstances presented.

In order to make sure that the hearing allows you to present your side of the disagreement effectively, the law guarantees you certain rights:

- **The right to an impartial hearings officer to conduct the hearing and make the decision.**
- **The right to have the hearing scheduled at a time and place which is reasonably convenient for you.**
- **The right to have a verbatim record kept of the hearing.**
- **The right to see and make copies of all records which the school district will present at the hearing at least five days before the hearing itself.**
- **The right to be represented by any person of your choice, including a lawyer.**
- **The right to present documents, to call witnesses, and to question or cross-examine witnesses presented by the school district.**
- **The right to prevent the school district from presenting any evidence which has not been shown to you at least five days before the hearing.**

What Happens at a Hearing?

The hearing officer must decide specifically which recommendation is appropriate for your child's special education needs — the school district's recommendation, your recommendation, or another recommendation. The hearings officer must base this decision only on evidence presented at the hearing, and must make an independent judgment without giving extra weight to the school district's recommendations.

The hearing will be closed to the public, unless you wish to have it open for some reason. Therefore, the only people present will probably be the hearings officer, the parties and their representatives, if any, and the witnesses. A record of the hearing will be kept, either by tape recorder or by a court reporter.

The Appeal

Either party may appeal to the State Superintendent of Public Instruction regarding the decision of the hearings officer. The superintendent's opinion may be appealed by civil case in federal district court or by the Oregon Court of Appeals.

Suggestions for Preparing for a Hearing

If you find yourself involved in a due process hearing, you will definitely need more than PIP by your side. There are some basic suggestions, however, that provide a starting point for you as you prepare for a hearing. These suggestions are taken from the work of Milton Budoff and Alan Orenstein, *Due Process in Special Education: On Going to a Hearing* (Cambridge, MA: The Ware Press, 1982, pp. 318-319).

- Keep notes on statements and agreements made in your contacts with school personnel such as teachers, psychologists, special educators, guidance counselors, social workers, or others.

- Obtain and keep copies of all reports that were made on your child, whether they were done by school staff, private professionals, or clinics. You are entitled to copies of all reports and records from school staff. These must be provided free of charge or at a minimal cost upon request.

- If you are seriously preparing for a hearing, you will probably want a lawyer experienced in this area or an advocate trained to work with parents in special education cases. An experienced lawyer or advocate will help you to first evaluate the strengths and weaknesses of your case. If you choose to proceed, counsel will help you to organize the materials you have accumulated, help you obtain the records you may be missing, and be able to recommend experts who can help you evaluate the elements of the case you must present to maximize your chances of winning at the hearing.

- The case you present at the hearing must be well organized. You must know what arguments you wish to make to support why the program you are requesting will be more appropriate for the child than the program proposed by the school. The information presented should be focused to support the argument you are making. As a general rule, a dispassionate, organized presentation is more desirable than emotional outbursts. For example, some children's testimony can be extremely effective in portraying their experience in a particular program. Lawyers and advocates serve their most important function in organizing the presentation and orchestrating it at the hearing.

- Once you are committed to the due process hearing procedure, you may wish to seek an independent evaluation and contact expert witnesses to testify on particular aspects of the case. Experts may be available from clinics or appropriate university departments, although potential conflicts of interest from their various past and future relationships with the schools must be kept in mind when you solicit their help.

The costs for a due process hearing are paid by each party. The school district pays the costs related to the hearing, such as the hearings officer, transcription, attorney fees, staff time, expert witnesses, etc. The costs that parents may incur could be attorney fees, expert witness testimony, copies of school records and/or hearing records, lost time from work, etc.

This section has encouraged the use of informal negotiation to resolve the differences that may separate and divide parents and schools as they both strive to provide appropriate education to children with handicapping conditions. It is important that both parents and school personnel air their differences early. Disagreements that are not addressed in the beginning become much more difficult to resolve later. Schools need to know if you are not satisfied and are at odds with them. Often these differences can be effectively resolved.

APPENDICES

APPENDICES

APPENDIX A *Resources for Parents*

APPENDIX B *Sample Letters*

APPENDIX C *Parent Preparation IEP Worksheet*

Special Education Procedures Checklist

APPENDIX D *Sample Forms*

APPENDIX E *Independent Evaluation*

APPENDIX F *Suspension and Expulsion: Suggested Guidelines for Policy Development*

APPENDIX A: *Resources for Parents*

1. State/Regional Evaluation Sources
2. Coalition in Oregon for Parent Education
3. Legal Resources in Oregon
4. Major State Agencies
5. State Organizations and Associations for the Handicapped
6. National Agencies and Organizations
7. Bibliography

1. STATE/REGIONAL EVALUATION SOURCES

- ***Oregon Diagnostic and Evaluation Center***
  Mental Health Division
  2250 Strong Road SE
  Salem, OR 97310
  Phone: (503) 378-5143

Provides comprehensive evaluation of persons with mental retardation/developmental disabilities. Evaluation services include medical, psychological, dental, speech, hearing, and vision.

- ***The Crippled Children's Division***
  Oregon Health Sciences University Centers located in:

Portland Office
The Oregon Health
Sciences University
PO Box 574
Portland, OR 97207
(503) 225-8095
1-800-452-3563

Eugene Office
Clinical Services
Building
Eugene, OR 97403
(503) 686-3575
1-800-637-0700

Medford Office
Suite No. 5
832 E Main Street
Medford, OR 97504
(503) 776-6146

Provides multidisciplinary evaluations, diagnosis, and treatment of persons with physical abnormalities, congenital heart disease, organic language disorders, cerebral palsy and other neurological disorders, genetic disorders and others.

- ***Education Evaluation Center***
  Western Oregon State College
  Monmouth, OR 97361
  Phone: (503) 838-1220 ext. 322

The Education Evaluation Center conducts interdisciplinary evaluations for children with possible learning problems. Clinic services are provided to children in schools where such services are limited or unavailable, or when an independent evaluation is desired. Referrals are accepted from physicians. Parents can initiate referrals but are encouraged to work with the school to gather the needed information to complete the referral process.

- ***Satellite Evaluation Centers***

Seventeen centers are located throughout Oregon to provide individual evaluations of children. Each satellite center also offers referral information and can identify special education resources and personnel in their region.

Satellite Centers:

Baker ESD
2030 Auburn Avenue
Baker, OR 97814
Phone: (503) 523-5801

Clackamas ESD
Clackamas Evaluation Center
PO Box 216
Marylhurst, OR 97036
Phone: (503) 635-4341

Clatsop ESD
3194 Marine Drive
Astoria, OR 97103
Phone: (503) 325-2862

Columbia Ed. Eval. Center
School District #5J
Westport, OR 97016
Phone: (503) 455-2270

Jackson ESD
101 N Grape Street
Medford, OR 97501
Phone: (503) 776-8575

Josephine County School District
1215 SW G Street
Grants Pass, OR 97526
Phone: (503) 479-3321

Linn-Benton ESD
905 E Fourth Avenue
Albany, OR 97321
Phone: (503) 967-8822

Malheur ESD
251 B Street, Room 203
Vale, OR 97918
Phone: (503) 889-2362

Curry ESD
PO Box 786
Gold Beach, OR 97444
Phone: (503) 247-6681

Deschutes County ESD
221 NW Kansas Street
Bend, OR 97701
Phone: (503) 382-2171

Gilliam/Wheeler ESD
Court House
Condon, OR 97823
Phone: (503) 384-2752

Harney County ESD
PO Box 72
Burns, OR 97720
Phone: (503) 575-2122

Hood River County
PO Box 418
Hood River, OR 97031
Phone: (503) 386-4500

Oregon City School District #62
Special Service Department
698 Warner Parrott Road
Oregon City, OR 97045
Phone: (503) 657-2481

Umatilla ESD
PO Box 38
Pendleton, OR 97801
Phone: (503) 276-6616

Union ESD
100 D Avenue
LaGrande, OR 97850
Phone: (503) 963-4106

West Linn Ed. Eval. Center
West Linn School District
West Linn, OR 97068
Phone: (503) 638-9825

o ***Program Office for Mental Retardation/ Developmental Disabilities***
Mental Health Division
2575 Bittern Street NE
Salem, OR 97310
Phone: (503) 378-2429

Program office can provide information and referral for persons with mental retardation and other developmental disabilities. Evaluations may be conducted through the State of Oregon community mental clinic network.

o ***Children's Program of Good Samaritan Hospital and Medical Center***
2215 NW Northrup
Portland, OR 97210
Phone: (503) 229-7220

The children's program offers comprehensive evaluations to children (birth through high school) with suspected or diagnosed developmental delay, learning problems, behavior problems, neurological involvement, orthopedic handicaps, and/or other health impairments.

The evaluations are performed by an interdisciplinary team that includes educational specialists, developmental pediatricians, occupational therapists, physical therapists, speech/language pathologists, psychologists, social workers, and other consultants as needed.

o ***Shriners Hospital for Crippled Children***
3101 SW Sam Jackson Park Road
Portland, OR 97201
Phone: (503) 281-1103

Shriners provides orthopedic evaluations.

- ***Regional Resource Center for the Deaf and Hearing Impaired***
  Maaske Hall
  Western Oregon State College
  Monmouth, OR 97361
  Phone: (503) 838-1220 ext. 44

Offers a range of diagnostic (educational, vocational, and psychological evaluations) and habilitative services for persons with speech, language, and/or hearing problems. Maintains up-to-date information on professional personnel, facilities, and programs serving deaf persons.

- ***Oregon State School for the Deaf***
  999 Locust Street NE
  Salem, OR 97303
  Phone: (503) 378-3825

Provides audiological, educational, medical, motor, psychological, speech, language, and vocational evaluations. Provides a complete educational program for children with hearing impairments.

- ***Oregon State School for the Blind***
  700 Church Street SE
  Salem, OR 97310
  Phone: (503) 378-3820

Assesses a child's functional vision and interprets educational ramifications Provides educational services for legally blind children ages 4-21 years. (Ask about Field Service Offices and regional programs for the visually handicapped.)

- ***Oregon Commission for the Blind***
  700 Church Street SE
  Salem, OR 97310
  Phone: (503) 378-8479
  Portland: (503) 238-8375
  Eugene: (503) 686-7990
  Medford: (503) 776-6047

Assessment services include hearing, medical, and vision. Provides vocational evaluation and work adjustment training for legally blind persons.

- ***Vocational Rehabilitation Division***
  2045 Silverton Road NE
  Salem, OR 97310
  Phone: (503) 378-3850

Provides comprehensive vocational assessment for physically, mentally, and emotionally disabled students approaching the end of their school career.

- ***Special Education and Student Services Division***
  Oregon Department of Education
  700 Pringle Parkway SE
  Salem, OR 97310
  Phone: (503) 378-3598

The Oregon Department of Education provides regional services for handicapped children who are identified as visually handicapped, hearing impaired, orthopedically impaired, and autistic. Six regions have been set up to serve preschool to school age children with handicaps. The regions and administrative agencies are listed below:

Region I:	**Northwestern and Eastern Oregon Counties:**	Morrow, Umatilla, Union, Wallowa, Grant, Baker, Malheur
	Administrative Agency:	***Union County ESD*** 1100 K Street LaGrande, OR 97850 Phone: (503) 963-4106

Region II:	**Northern-Central Oregon Counties:**	Sherman, Gilliam, Jefferson, Wheeler, Deschutes, Crook, Harney
	Administrative Agency:	***Bend School District*** 520 NW Wall Street Bend, OR 97701 Phone: (503) 389-9711
Region III:	**Southern-Central Oregon Counties:**	Curry, Douglas, Josephine, Klamath, Lake
	Administrative Agency:	***Jackson ESD*** 101 N Grape Street Medford, OR 97501 Phone: (503) 776-8575
Region IV:	**Coast-Willamette Valley Counties:**	Coos, Lincoln, Benton, Linn, Lane
	Administrative Agency:	***Linn-Benton ESD*** 905 E Fourth Avenue Albany, OR 97321 Phone: (503) 967-8822
Region V:	**Mid-Willamette Valley Counties:**	Tillamook, Yamhill, Polk, Marion
	Administrative Agency:	***Marion ESD*** 3400 Portland Road NE Salem, OR 97303 Phone: (503) 588-5330
Region VI:	**Columbia River-Metro Counties:**	Clatsop, Columbia, Hood River,Wasco, Washington, Clackamas, Multnomah
	Administrative Agency:	***Portland Public School Child Service Center*** 531 SE 14th Portland, OR 97214 Phone: (503) 232-4424

2. COALITION IN OREGON FOR PARENT EDUCATION

COPE serves the families of all children (birth to 21) with handicapping conditions who reside in Oregon. The primary activity of COPE is the presentation of informative workshops on a variety of topics, including 1) the rights and responsibilities of handicapped children and their parents; 2) establishing parent-educator partnerships; 3) the formation and facilitation of self-help support groups for parents; and 4) the nature and needs of persons with disabilities.

COPE staff members, all of whom are parents of children with disabilities, are available to help with problem solving for individual families and to provide additional resources and referrals upon request.

Oregon has been divided into seven service regions. A COPE Regional Trainer lives and works in each region.

Region I (Umatilla, Union, Wallowa, Grant, Baker, Harney, Malheur)
Johnnie Humphrey (503) 938-4366

Region II (Marion, Linn, Jefferson, Deschutes, Crook, Wheeler)
Niki Smith (503) 581-5034

Region III (Josephine, Jackson, Klamath, Lake)
Judy Wiley (503) 476-7437

Region IV (Lane, Douglas, Coos, Curry)
Becky Venice (503) 942-4269

Region V (Clatsop, Tillamook, Yamhill, Polk, Lincoln, Benton)
Sondra Darland (503) 838-5145

Region VI (Columbia, Washington, Multnomah)
Mary Jo Marshall (503) 227-4800

Region VII (Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow)
Kathy Richards (503) 632-6028

Central Office (Located in Salem)
Cheron Mayhall, Director (503) 373-7477

3. LEGAL RESOURCES IN OREGON

o ***Oregon Development Disabilities Advocacy Center (ODDAC)***
400 Board Trade Building
310 SW 4th Avenue
Portland, OR 97204
Phone: (503) 243-2081
Toll free: 1-800-452-1694

ODDAC, as Oregon's designated protection and advocacy agency, provides counseling, advocacy assistance, and legal representation, as well as information and referral for persons with developmental disabilities and their families.

o ***County Bar Associations***

Organizations of attorneys in major counties. Several county bar associations have a referral service which can refer parents to lawyers who specialize in education or child-related cases. See the yellow pages of your telephone book. If your county does not have an association, call or write the Lawyer Referral Service of the State Bar of Oregon listed below:

Oregon State Bar
1776 SW Madison Street
Portland, OR 97205
Phone: (503) 224-4280
Toll free: 1-800-452-8260

o ***Oregon Legal Aid***

In Oregon several counties are served by local and area offices providing free legal services to persons unable to afford attorney fees. See the yellow pages of your telephone book and call your local legal aid to see if you are eligible for services. If no legal aid is listed in your directory, call or write to the:

Oregon Legal Services Support Office
280 Bridgeport Square
123 NE Third Avenue
Portland, OR 97232
Phone: (503) 234-1534

Regional Offices of Legal Aid:

Albany Region
Albany Regional Office
203 First Street
Albany, OR 97321
Phone: (503) 9926-8678

Klamath Falls Region
Klamath Falls Regional Office
432 Main Street
Klamath Falls, OR 97601
Phone: (503) 884-7709

Coos Bay Region
Coos Bay Regional Office
PO Box 1098
Coos Bay, OR 97420
Phone: (503) 269-1226

McMinnville Region
McMinnville Regional Office
PO Box 141
McMinnville, OR 97128
Phone: (503) 472-9561

Multnomah County
Multnomah County Legal Aid Service
Family Law Center
310 SW Fourth Avenue
Portland, OR 97204
Phone: (503) 226-7991

Ontario Region
Ontario Regional Office
1052 SW Fourth Avenue
Ontario, OR 97914
Phone: (503) 889-3121

Lane County
Legal Aid Service of Lane County
1309 Willamette Street
Eugene, OR 97401
Phone: (503) 342-6056

St. Helens Region
St. Helens Regional Office
115 N 21st
St. Helens, OR 97051
Phone: (503) 397-1871

The Dalles Region
The Dalles Regional Office
502 Washington, Room 208
The Dalles, OR 97058
Phone: (503) 298-5181

4. MAJOR STATE AGENCIES

o ***Oregon Department of Education***
Division of Special Education and Student Services
700 Pringle Parkway SE
Salem, OR 97310-0290
Phone: (503) 378-3598

o ***Oregon Mental Health Division***
Mental Retardation/Developmental Disabilities Programs
2575 Bittern Street NE
Salem, OR 97310
Phone: (503) 378-2429

o ***Children's Services Division***
Educational Services Unit
198 Commercial Street SE
Salem, OR 97310
Phone: (503) 378-4121

o ***Vocational Rehabilitation Division***
2045 Silverton Road NE
Salem, OR 97310
Phone: (503) 378-3850

5. STATE ORGANIZATIONS AND ASSOCIATIONS FOR THE HANDICAPPED

o ***Autism:***
Autism Council of Oregon
PO Box 13884
Salem, OR 97309
Phone: (503) 472-0946

Regional Programs for Autism (See regional listings under Special Education and Student Services Division in this Appendix.)

- *Emotionally Handicapped:*
  Mental Health Association of Oregon
  718 W Burnside, Suite 301
  Portland, OR 97209
  Phone: (503) 228-6571

  Mental Health Division
  2575 Bittern Street NE
  Salem, OR 97310
  Phone: (503) 378-2460

- *Hearing Impairment:*
  Oregon Association of Parents of the Deaf
  999 Locust Street NE
  Salem, OR 97303
  Phone: (503) 373-7477

  Regional Resource Center for the Deaf and Hearing Impaired
  Maaske Hall
  Western Oregon State College
  Monmouth, OR 97361
  Phone: (503) 838-1220 ext. 44

  Oregon State School for the Deaf
  999 Locust Street NE
  Salem, OR 97310
  Phone: (503) 378-3825

  Oregon Association for the Deaf
  2114 38th Avenue NW
  Salem, OR 97304
  Phone: (503) 381-4309 (TTY)

- *Learning Disabilities:*
  Oregon Association for Children and Adults with Learning Disabilities
  Portland State University
  PO Box 751
  Portland, OR 97207
  Phone: (503) 229-4439

  Education Evaluation Center
  Western Oregon State College
  Monmouth, OR 97361
  Phone: (503) 838-1220 ext. 322

- *Mental Retardation:*
  Oregon Association for Retarded Citizens (OARC)
  1745 State Street
  Salem, OR 97301
  Phone: (503) 581-2726
  Toll free: 1-800-452-0313

  GAPS: Guardian, Advocacy and Protection Services
  1745 State Street
  Salem, OR 97301
  Phone: (503) 581-2726
  Toll free: 1-800-452-0313

  Mental Retardation/Developmental Disabilities Program Office
  Mental Health Division
  2575 Bittern Street NE
  Salem, OR 97310
  Phone: (503) 378-2429

- ***Physically-Orthopedically and Other Health Impaired:***
  Association for Severe Other Health Impaired Children
  2612 SW Tegart Avenue
  Gresham, OR 97030

  Easter Seal Society for Crippled Children and Adults of Oregon
  4343 SW Corbett
  Portland, OR 97201
  Phone: (503) 228-5108

  Epilepsy Association of Oregon
  718 W Burnside, Room 204
  Portland, OR 97209
  Phone: (503) 228-7651

  Crippled Children's Division
  3181 SW Sam Jackson Park Road
  Portland, OR 97201
  Phone: (503) 225-8095
  Toll free: 1-800-452-3563

  Shriners Hospital for Crippled Children
  3101 SW Sam Jackson Park Road
  Portland, OR 97201
  Phone: (503) 241-5090

  United Cerebral Palsy Association of Oregon
  7830 SE Foster
  Portland, OR 97206
  Phone: (503) 777-4167

- ***Visual Impairment:***
  State School for the Blind
  700 Church Street SE
  Salem, OR 97310
  Phone: (503) 378-3820

  Oregon Commission for the Blind
  700 Church Street SE
  Salem, OR 97310
  Phone: (503) 378-8479

- ***All Disabilities:***
  Oregon Coalition for Exceptional Children and Young Adults
  A Coalition of Parents, Professionals
  and Consumer Organizations
  999 Locust Street NE, #42
  Salem, OR 97303
  Phone: (503) 373-7477 or 399-7966

- ***Direction Services:***

Direction services provide comprehensive information about community resources, programs, referral sources, and the identification of pertinent information materials. There are three direction service centers:

Lane County Direction Service
650 W 12th, Room 4
Eugene, OR 97402
Phone: (503) 343-3598

Salem/Marion County Direction Service
700 Church Street SE
Salem, OR 97309
Phone: (503) 362-9568

Portland Direction Service
Child Services Center
531 SE 14th
Portland, OR 97214
Phone: (503) 232-4424

- ***Oregon Association for Vocational Manpower***
  Special Needs Project
  Oregon State University
  Vocational Education Special Needs Projects
  Corvallis, OR 97331-2404

- ***Parent Graduation Alliance (PGA)***
  University of Oregon
  135 Education Building
  Eugene, OR 97403
  Phone: (503) 686-5311

The Parents' Graduation Alliance (PGA) provides support to parents and families of students who are severely handicapped and who face the transition from school to work and adult life.

PGA has established nine regions or teams. These teams provide information, referral, training, and advocacy services to parents to:

a. Improve high school programs to students with severe handicaps.
b. Expand the range of adult services available to students after graduation.
c. Ensure coordinated service delivery between school and adult agencies.

6. NATIONAL AGENCIES AND ORGANIZATIONS

- ***Division of Assistance to the States***
  Office of Special Education
  US Office of Education
  400 Maryland Avenue SW
  Washington, DC 20202

- ***American Association on Mental Deficiency***
  5101 Wisconsin Avenue, NW
  Washington, DC 20015
  Phone: (202) 686-5400
  Toll free: 1-800-424-3688

- ***American Speech-Language-Hearing Association (ASHA)***
  10801 Rockville Pike
  Rockville, MD 20852
  Phone: (301) 897-5700

- ***Association for Children and Adults***
  with Learning Disabilities (ACALD)
  4156 Library Road
  Pittsburgh, PA 15234
  Phone: (412) 341-1515

- ***Association for Education***
  of the Visually Handicapped
  919 Walnut Street, Fourth Floor
  Philadelphia, PA 19107
  Phone: (215) 564-5350

- ***Association for Retarded Citizens, United States***
  2501 Avenue J
  PO Box 6109
  Arlington, TX 76011
  Phone: (817) 640-0204
  Toll free: 1-800-433-5255

- ***American Printing House for the Blind***
  1839 Frankfort Avenue
  PO Box 6085
  Louisville, KY 40206
  Phone: (502) 895-2405

- ***American Council of the Blind***
  1211 Connecticut Avenue, NW, Suite 506
  Washington, DC 20036
  Phone: (202) 833-1251
  Toll free: 1-800-424-8666

- ***Muscular Dystrophy Association, Inc.***
  810 Seventh Avenue
  New York, NY 10019
  Phone: (212) 586-0808
  Toll free: 1-800-223-6666

- ***National Association for Parents of the Visually Impaired, Inc.***
  2011 Hardy Circle
  Austin, TX 78757
  Phone: (512) 459-6651

- ***National Association for Visually Handicapped***
  305 E 24th Street
  New York, NY 10010
  Phone: (212) 889-3141

- ***National Association of the Deaf***
  814 Thayer Avenue
  Silver Spring, MD 20910
  Phone: (301) 587-1788

- ***National Center for Law and the Deaf***
  800 Florida Avenue, NE
  Washington, DC 20002
  Phone: (202) 651-5454

- ***National Center for the Law and the Handicapped, Inc.***
  PO Box 477
  Notre Dame, IN 46617
  Phone: (219) 283-4536

- ***National Media Materials Center for Severely Handicapped Persons***
  Peabody College
  Box 318
  Nashville, TN 37203
  Phone: (615) 322-8373

- ***National Society for Children and Adults with Autism***
  1234 Massacnusetts Avenue, NW, Suite 1017
  Washington, DC 20005
  Phone: (202) 783-0125

- ***Recording for the Blind, Inc.***
  20 Roszel Road
  Princeton, NJ 08540
  Phone: (609) 452-0606

- ***The Association for Persons***
  with Severe Handicaps (TASH)
  7010 Roosevelt Way, NE
  Seattle, WA 98115
  Phone: (206) 523-8446

- ***The Council for Exceptional Children***
  1920 Association Drive
  Reston, VA 22091-1589
  Phone: (703) 620-3660

- ***United Cerebral Palsy Association Inc. (UCP)***
  66 East 34th Street
  New York, NY 10016
  Phone: (212) 481-6300

7. PUBLICATIONS

- ***NICHCY Publications*** - Fact sheets and newsletters provide information on a variety of topics related to education for children with handicaps. NICHCY was established as part of the Education of the Handicapped Act (Public Law 94-142) to ensure that accurate, timely information is available to all interested persons.

  National Information Center for
  Handicapped Children and Youth (NICHCY)
  PO Box 1492 Washington, DC 20013

- ***The Exceptional Parent*** - This journal, published eight times a year, includes information for both parents and professionals.

  Psy-Ed Corporation
  605 Commonwealth Avenue
  Boston, MA 02215

- ***Closing the Gap*** - This is a bi-monthly publication for parents and educators interested in technological applications in special education. Of particular interest is the February/March, 1985, issue (Vol. 3, No. 6) which contains a valuable directory on microcomputer resources for special education and rehabilitation. The single issue is available for $7.95.

  Closing the Gap
  PO Box 68
  Henderson, MN 56044

- ***The ERIC Clearinghouse for Handicapped and Gifted Children*** - The clearinghouse compiles fact sheets and bibliographies addressing a variety of topics of interest to parents of children with handicaps.

  ERIC Clearinghouse for Handicapped and Gifted Children
  Council for Exceptional Children
  1920 Association Drive
  Reston, VA 22091

- ***Network News (The Paper for Parents)***

  The National Committee for Citizens in Education
  410 Wilde Lake Village Green
  Columbia, MD 21044

- ***94-142 and 504: Numbers that Add Up to Educational Rights for Handicapped Children - A Guide for Parents and Advocates***

  Children's Defense Fund
  1520 New Hampshire Avenue NW
  Washington, DC 20036

- ***"Transition Manual" (revised June, 1985) and "Parent Primer"*** are booklets that address the needs of high school children who have severe handicaps.

  Parent Graduation Alliance
  University of Oregon
  135 Education Building
  Eugene, OR 97403

- ***"Parents Can Be Winners of an Appropriate Education for Their Children"*** is a booklet which briefly outlines the rights of children with handicaps and their families under P.L. 94-142 and Section 504.

  Oregon Developmental Disabilities Advocacy Center
  400 Board Trade Building
  310 SW 4th Avenue
  Portland, OR 97204
  Toll free: 1-800-452-1694

- ***The Oregon Department of Education*** has available several documents relating to the education of children with handicaps, including:

  - ***Oregon Administrative Rules*** (OAR) - Included are the rules related to handicapped children and special education programs. OAR contains the actual regulations that local school districts must follow, e.g., eligibility rules, IEP meetings, surrogate parents, etc.

  - ***Oregon Revised Statutes*** (ORS) - This document outlines the legal basis for Oregon programs for children with handicaps.

  - ***The High School Diploma and Alternative Awards*** - This document discusses high school graduation requirements and alternative awards.

  - ***Surrogate Training Manual*** - Included is detailed information about the role, responsibility, and rights of surrogate parents under both federal and state laws.

  - ***"When Push Comes to Shove"*** - This brochure describes the mediation services available from the Oregon Department of Education.

  - ***"An Introduction to Mediation"*** - The packet of information sheets covers various aspects of mediation and is especially helpful for parents considering the use of mediation.

  Oregon Department of Education
  700 Pringle Parkway SE
  Salem, OR 97310-0290

- ***Regulations for Public Law 94-142***

  Office of Special Education and Rehabilitation
  400 Maryland Avenue SW
  Washington, DC 20202

- ***Regulations for Public Law 93-112, Section 504***

  Office of Civil Rights
  330 Independence Avenue SW
  Washington, DC 20201

APPENDIX B: *Sample Letters*

Note: These sample letters are included in PIP as *examples* of what you as a parent may want to include when writing a similar letter. It is not necessary to type your letter. In writing your letter, it is helpful to be brief and very specific about what you want.

1. **Request for IEP Meeting**
2. **Request for Evaluation**
3. **Complaint Letter to Special Education Director**
4. **Request for an Independent Evaluation**
5. **Request for Mediation**
6. **Complaint Letter to Oregon Department of Education**
7. **Request for Due Process Hearing**

Request for IEP Meeting

Date:

Special Education Administrator or Principal School
District Name and Number
Address

Re: (Child's Full Name)

Dear ______________ :

We, the parents of (child's name), who is currently attending (name of school) in the (type of class or grade), have some concerns about our child's (current IEP and/or current placement).

We are therefore requesting a meeting to review our child's IEP on (date and time) at (school). I would appreciate having the following persons attend the meeting:

(List the name and titles here)

It is our hope that this IEP meeting will address our concerns about (your child's name). Please confirm the above date and time, and contact us regarding the rescheduling of the appointment within ten (10) days. We may be reached at (telephone numbers) from (times available).

Thank you.

Sincerely,

Your name
Address
Telephone Numbers (work/home)

cc: Principal
Superintendent
Parent Records

Request for Evaluation

Date:

Special Education Administrator or Principal
School District Name and Number
Address

Re: (Child's Full Name)

Dear _______________ :

We, the parents of (child's name), who is currently attending (name of school) in the (type of class or grade), have some concerns about our child's(current IEP or placement).

We are requesting that the school district conduct an evaluation of our child's (school performance, learning abilities and style, emotional and social adjustment, etc.) to determine if (his/her) education program/ placement should be revised.

We would like an evaluation to address our concern about (state your major concern about your child).

Please notify us within ten (10) days regarding our request. Should you wish to discuss our request you can reach us at (telephone numbers) from (times available).

Thank you.

Sincerely,

Your name
Address
Telephone Numbers (work/home)

cc: Principal
Superintendent
Parent Records

Complaint Letter to Special Education Director

Date:

Director of Special Education
School District Name
Address

Re: (Your Child's Name)
(Birthdate)
(School Attends/Special Program)

Dear (Name of Special Education Director):

We are the parents of (your child's name) who is presently enrolled in (name of school) in the (grade or special education level) class.

A conflict has developed regarding (your child's name) education program and services. The disagreement seems to be (brief statement such as "the amount of speech therapy offered" or "the need for vocational education services"). We have discussed this concern with (names of school personnel involved) but have not been able to resolve our dispute.

We have proposed the following ideas or solutions in the hope of resolving our concerns: (Give brief outline of recommendations you have made).

In spite of our discussions, we have not been able to reach an agreement. We want to resolve this problem so (your child's name) can get the services needed.

We feel we have reached a point where we really need your help in resolving this matter as soon as possible. Please feel free to call us to set up an appointment to talk about our concerns. We can be reached at the following telephone number(s) from (times available).

Thank you for your consideration of our request. We look forward to working with you in resolving this disagreement.

Sincerely,

Your Name
Address
Telephone Numbers (work/home)

cc: Principal
Superintendent
Parent Records

Request for an Independent Evaluation

Date:

Director of Special Education
School District Name
Address

Dear (name of Director of Special Education):

We are the parents of (name of child), who is attending (name of school). We do not feel that the school's evaluation of our child was appropriate, and we are therefore requesting an independent evaluation.

It is our understanding that the school district will pay for the independent evaluation and associated expenses (e.g., transportation) unless it can prove in a hearing that its evaluation was appropriate.

We are also requesting information about where we may obtain an independent evaluation for our child.

We will of course send the results of the independent evaluation to you immediately. We understand that the school district must consider the findings and recommendations of the independent evaluation.

Thank you for your consideration of our request. We look forward to hearing from you soon.

Sincerely,

Your Name
Address
Telephone Numbers (work/home)

cc: Principal
Parent Records

Request for Mediation

Date:

Director of Special Education
Name of School District
Address

Re: (Child's Name)

Dear Director of Special Education:

We request that a mediator be appointed to resolve the dispute regarding our (daughter/son) and (his/her) ________________________ educational program.

We are requesting mediation as a means of resolving our disagreement which centers on the concern about (child's name) educational program and services. Our disagreement seems to be that (brief statement).

It is our understanding that mediation services are available from the Oregon Department of Education. We are confident that we can work out a solution to our conflict.

Please contact us within five (5) days regarding our Request for Mediation. Thank you.

Sincerely,

Your Name
Address
Telephone Numbers (work/home)

cc: Principal
Superintendent
Oregon Department of Education
Parent Records

Complaint Letter to Oregon Department of Education

Date:

Dr. Verne Duncan
State Superintendent of
Public Instruction
Oregon Department of Education
700 Pringle Parkway SE
Salem, OR 97310-0290

Dear Dr. Duncan:

We are requesting, in accordance with Oregon Administrative Rule 581-01-010, that the Oregon Department of Education investigate our allegations that the (name of school district) has violated federal law and regulations. We have outlined the following allegations and have supplied information to support our charges: (Each allegation should be clearly stated and brief information furnished).

It is our understanding that a copy of this letter of complaint will be forwarded to the school district and that the complaint shall be investigated and resolved either informally or through a formal state-level hearing within 60 days upon receipt.

We are usually available on (outline days and times convenient for you) if you wish to discuss these allegations. Should you require us to furnish additional information or materials, please let us know.

Sincerely,

Name
Address
Telephone Numbers (work/home)

cc: Director of Special Education
Principal
Parent Records

Request for Due Process Hearing

Date:

Superintendent
Local School District
Address

Re: (Your Child's Full Name)
(Date of Birth)
(Name of School Enrolled)

Dear Superintendent:

(Your child's name) is presently enrolled in (name of school) in the (grade or special education level) class.

In spite of our efforts to resolve our disagreements about (briefly state areas of disagreement), we have not been able to reach an acceptable agreement.

We are therefore requesting that a Due Process Hearing be scheduled before an impartial due process hearings officer pursuant to Public Law 94-142.

It is our understanding that a hearing must be scheduled and a decision given within 45 days of receipt of this letter.

(Optional:)

1. We would also like to request that mediation be scheduled prior to the hearing in the hope that if the disagreement can be resolved we will then cancel our request for a due process hearing.
2. Please notify us immediately of the name, address, and telephone number of the appointed hearings officer.
3. We will be requesting a prehearing conference within ten days after the hearings officer is appointed.
4. We request that the hearing be (open/closed) to the public.

Sincerely,

Your Name
Address
Telephone numbers (work/home)

cc: Director of Special Education
Principal
Advocate/Attorney
Parent Records

APPENDIX C:

1. Parent Preparation IEP Worksheet
2. Special Education Procedures Checklist

1. PARENT PREPARATION IEP WORKSHEET

This worksheet is intended to help you prepare for your child's IEP meeting. One of the most important parts of the IEP is the goals set for your child for the coming school year. No one knows your child better than you do, so your help as a member of the IEP team is very important.

Goals - What are They?

Goals are statements about things we're aiming to do, get, or become. Setting goals for ourselves and systematically working toward them is a way of turning an ambition or desire into a reality. If you know what you want, you're more likely to get it.

Setting educational goals for children is an important part of planning an appropriate instructional program. Educational goals are statements that tell what skills or behaviors the teacher and child are aiming for.

Goals are usually written for one school year at a time. Annual goals, such as "will be able to read at a 6th-grade level, "may be steps along the way to life goals such as "will be independent," and represent a specific set of skills that the child will hopefully master during a given school year. Here are some examples of educational goals in each of five educational areas.

Sample Listing of Ideas

ACADEMIC GOALS

Reading

- Read traffic safety signs
- Improve sight vocabulary
- Read at 5th-grade level
- Understand what is read

Writing/Spelling

- Print name and address
- Spell name and address
- Write a book report
- Make fewer spelling errors
- Print more neatly

Math

- Get a passing grade in algebra
- Count by tens
- Make change
- Tell time
- Learn the multiplication tables

SELF-HELP GOALS

- Eat with a knife and fork
- Bring belongings home from school
- Ride the bus
- Go to the store on errands
- Use the stove safely
- Use the telephone
- Cross a street with traffic signals

MOTOR GOALS

- Swim
- Play on the basketball team
- Play the piano
- Cut with scissors
- Drive a car

SOCIAL/EMOTIONAL GOALS

- Use good manners
- Sleep without a light on
- Participate in group activities
- Enjoy playing with age-mates
- Play table games with family

VOCATIONAL/PREVOCATIONAL GOALS

- Be on time (school, etc.)
- Listen and follow instructions
- Fill out a job application
- Learn to type
- Do chores around the house
- Work independently

Notice these things about the sample goals above:

- *They are stated positively.*
- *They tell what skill the child will have* (play the piano vs. taking piano lessons).

This is an example of a goal for your child:

Think of *one* thing you would like your child to be able to do by the end of the school year. Write it here:

____

____

____

Now you have written a goal for your child.

Is this goal realistic and reachable in a reasonable amount of time? Otherwise, both you and your child will be frustrated and disappointed.

In the space below, write five more goals for your child. Don't worry about the *priority* column for now.

GOALS LIST FOR ______________________________

PRIORITY

______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________
______ ________________________________

Have you forgotten anything important from any of the skills areas? Don't feel you have to have *all* areas covered. Add new goals you might think of to the above list.

Take your list of goals and talk them over with a friend or someone in your family -- your child, if appropriate. Can you or the other person think of anything else to add to the list?

Are each of the goals: *Realistic? Essential? Stated Positively?*

Revise your goals, if necessary.

The next step is to look at all of the goals you have written and decide which one is the most important *to your child* and to you. Now, in the "priority" column, put a "1" beside the goal that is the most important, a "2" beside the next most important one, etc. until you have them all numbered.

Now you're ready for a meeting with your child's teacher(s) to talk about how these goals, and others identified by the educational team, can be included in your child's educational program. Keep in mind that it is most effective to concentrate on only a *few major goals at any one time.*

At the meeting, be prepared to:

1. Add to the goals you have written.

2. Explain why a particular goal is important.

3. Adjust your goals to reflect additional information about what is realistic and/or critical for your child at this time.

4. Find out what you can do at home to help your child reach the goals that are finally set.

Remember, you can make a real contribution to the design of your child's educational program when you take the time to think of some goals you would like to see your child reach!

Revised from material from "Washington Parent to Parent Training Project."

SPECIAL EDUCATION PROCEDURES CHECKLIST:

		YES	NO
I.	***Evaluation***		
A.	Written consent for evaluation/testing of your child requested by the district.	____	____
B.	Complete evaluation conducted.		
1.	All suspected areas evaluated.	____	____
2.	Conducted in child's native language.	____	____
3.	Tests valid for child.	____	____
4.	Testing administered in valid manner.	____	____
5.	Testers were qualified.	____	____
II.	***Individualized Education Program***		
A.	Notice of IEP meeting received by parent.	____	____
B.	All persons required to attend were present at the IEP meeting.	____	____
C.	School personnel assisted the parent in understanding the proceedings.	____	____
D.	The written IEP, when completed, contained the following:		
1.	A statement of your child's level of performance in all areas, based on information from formal and informal evaluations.	____	____
2.	A statement of long-term (annual) learning goals.	____	____
3.	A list of short-term learning objectives that are understandable by all persons, written in terms that are easily measurable, and that can be accomplished within stated time frames.	____	____
4.	A statement of any special or related services to be provided to your child such as occupational, physical, or speech therapy.	____	____

5. A statement of regular or adaptive physical education to be provided to your child. ____ ____

6. A statement of the amount of time your child will be integrated with nonhandicapped children in regular education programs. ____ ____

7. Dates for the initiation and duration of each service listed in the IEP. ____ ____

8. A description of evaluation procedures and schedules to be used in determining if your child is learning at a rate anticipated by the IEP team. ____ ____

9. A description of the roles and duties for each person involved in the education of your child. ____ ____

E. Your participation at the IEP meeting was requested and respected. ____ ____

III. Placement

A. Written consent for placement of your child in special education was requested by the district. ____ ____

IV. IEP Review

A. When requested, you received progress reports on your child throughout the school year. ____ ____

B. You received written notice of the annual meeting to review your child's IEP. ____ ____

C. You received prior written notice for reevaluation of your child at least once every three years. ____ ____

APPENDIX D: *Sample Forms*

Note: The following forms are "suggested models" that the Oregon Department of Education has developed for possible use by local school districts. Some districts have developed their own forms for each of these procedures. School districts are not required to use state-suggested forms, but they are required to use forms that meet all of the federal and state requirements for notice and parental consent.

Forms:

1. **Parent Rights in Identification, Evaluation, and Placement**
2. **Prior Notice and Parental Consent for Evaluation**
3. **Notification to Parents of Individualized Education Program Meeting**
4. **Individualized Education Program**
5. **Prior Notice and Parental Consent for Initial Placement in Special Education**
6. **Prior Notice for Reevaluation**
7. **Prior Notice of Change in the Individualized Education Plan, Placement, or the Provision of a Free Appropriate Public Education**

School District
Address
City, Oregon ZIP
(503) Phone

PARENTS RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

Please Keep This Explanation For Future Reference

The following is an explanation of your rights according to federal and state rules and regulations (45 CFR 121a.500, ORS 343.163, ORS 343.173 and OAR 581-15-075). The intent of these rules and regulations is to keep you fully informed concerning my decision about your child, as well as your rights should you disagree with the decision.

1. **Right to inspect and review your child's records**
   You have the right to inspect and review all educational records with respect to the identification, evaluation, individualized educational plan, and educational placement of your child, and the provision of a free appropriate public education to your child. You also have a right to a response from the school district to reasonable requests for explanations and interpretations of your child's records. You have a right to request that the school district provide copies of the records at a reasonable cost unless the fee would effectively prevent you from exercising the right to inspect and review the records in which case the copies shall be provided without cost to you. You have a right to have your representative inspect and review your child's records.
2. **Right to obtain an independent evaluation**
   If you disagree with the identification, evaluation, individualized education plan, placement, or the provision of a free appropriate education to your child, you may request that an independent educational evaluation be made pursuant to OAR 581-15-094. You also have the right to request from the school district information about where an independent educational evaluation may be obtained.
3. **Right to refuse consent for preplacement evaluation**
   You can deny permission for your child to be tested for initial placement in special education.
4. **Right to refuse consent for initial placement of your child in a program providing special education and related services**
5. **Right to ask for an impartial due process hearing**
   If you disagree with the school's actions at any point concerning the identification, evaluation, individualized education plan, or educational placement of your child, or the provision of a free appropriate public education to your child, you have the right to request a hearing. If you desire a hearing, you must notify the school district in writing within 20 days of the date the prior notice was mailed to you. The school district will inform you of any free or low cost legal and other relevant services available in the area if you request it or if either you or the school district initiates a hearing.
6. **Right to request a list of the types and locations of educational records collected, maintained or used by the school district**
7. **Right to request that your child's records be changed**
   You have the right to request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, not to exceed 30 days, and advise you of your right to a hearing to challenge information in the records.
8. **Right to refuse consent for the use of your child's records**
   You have the right to refuse consent for the disclosure of personally identifiable information related to your child to anyone other than school officials or person acting in an official capacity for the school district collecting or using the information. You also have the right to refuse consent for the use of personally identifiable information related to your child for any purpose other than the identification, evaluation, individualized educational plan or educational placement of your child, or the provision of a free appropriate public education to your child.
9. **Right to request the destruction of your child's records**
   You have the right to request the destruction of personally identifiable information collected, maintained, or used by the school district for special education when it is determined by the school district to be no longer needed to provide educational services to your child. However, the required contents of the permanent record must be retained in accordance with the provisions of OAR 581-22-717.

School District
Address
City, Oregon ZIP
(503) Phone

PRIOR NOTICE AND PARENTAL CONSENT FOR EVALUATION

(as required by OAR 581-15-075, OAR 581-15-039 and OAR 581-21-030)

Dear ____________________,

This is to inform you that your child, ______________, is being referred for individual testing which will help us in your child's educational planning. Following is a description of any records, reports, or previously administered tests which were used as a basis for recommending this evaluation:

____

____

____

Following is a description of any options the school district considered and the reasons why those options were rejected: ______________________________

____

____

The evaluation procedures and/or tests will include the following:

Intelligence ______________________________
Communication ____________________________
Physical _________________________________
Behavior _________________________________
Academic _________________________________
Vocational _______________________________
Other ____________________________________

Following is a description of any other factors which are relevant to the proposed testing: _____

____

____

An explanation of your rights regarding the identification, evaluation and placement of your child according to OAR 581-15-075 is attached.

Since OAR 581-15-039 and/or OAR 581-21-030 require that the district receive written consent before proceeding with testing, please sign this permission form and return it as soon as possible. If you have any questions, please feel free to contact me.

____
Name/Title Date

I understand the above described individual testing or other evaluation. I have received a copy of my rights. I also understand that the granting of consent is voluntary and may be revoked at any time.

_____Consent is given to conduct an evaluation.
_____Consent is denied to conduct an evaluation.

____
Parent/Guardian Date

School District
Address
City, Oregon ZIP
(503) Phone

NOTIFICATION TO PARENTS OF INDIVIDUALIZED EDUCATION PROGRAM MEETING

Dear ________________,

We have been conducting an education ☐ evaluation ☐ review of your child,

____, in order to better
(full name)

plan for his/her educational needs. We have completed the ☐ testing ☐ review and would like to meet with you to explain our findings and to develop an individual education program (IEP) for your child. We would like you to be a part of this planning.

Those attending the meeting will include:

____________________________ ____________________________

____________________________ ____________________________

____________________________ ____________________________

The meeting will be held on (date) ________________, at (time) ________________, at (location)____. If you are unable to attend the meeting, please contact me as soon as possible so that we can arrange a mutually convenient time and place.

Sincerely,

____
Name/Title

____
Date

School District
Address
City, Oregon ZIP
(503) Phone

INDIVIDUALIZED EDUCATION PROGRAM

Full Legal Name

Date Special Education Eligibility (Re) Established

Date of IEP Meeting

Projected Date of IEP Annual Review

PARTICIPANTS IN IEP MEETING

Child's Teacher/Title
Child, Where Appropriate
District Representative/Title
Other/Title
Parent(s)
Other/Title

SPECIAL EDUCATION SERVICES TO BE PROVIDED

Services	Least Restrictive Environment	Projected Dates of Initiation	Anticipated Duration of Services
☐ Specially designed reading			
☐ Specially designed math			
☐ Specially designed spelling			
☐ Specially designed language arts			
☐ Specially designed P.E.			
☐ Speech Pathology			
☐ Specially Designed Vocational Education			
☐ Other, ______			
☐ Other, ______			

RELATED SERVICES TO BE PROVIDED

Services	Projected Dates of Initiation	Anticipated Duration of Services
☐ Transportation		
☐ Speech Pathology		
☐ Audiology		
☐ Psychological Services		
☐ Physical Therapy		
☐ Occupational Therapy		
☐ Special Equipment		
☐ Reader Services		
☐ Volunteer Services		
☐ Recreation		
☐ Counseling Services		
☐ Other, ______		
☐ Other, ______		

EXTENT OF PARTICIPATION IN REGULAR PROGRAMS

(including non-academic settings) ______

ATTENDS ATTENDANCE AREA SCHOOL ____ YES ____ NO

(If no, explain) ______

PHYSICAL EDUCATION

Regular P.E. ____ YES ____ NO

Specially Designed P.E. ____ YES ____ NO

P.E. Requirement Completed ____ YES ____ NO

Name ____________________ Page ____ of ____

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE IN (area) ____________________

ANNUAL GOAL: ____________________

SHORT TERM OBJECTIVE(S)	CRITERIA	EVALUATION PROCEDURE(S)	SCHEDULE(S)

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE IN (area) ____________________

ANNUAL GOAL: ____________________

SHORT TERM OBJECTIVE(S)	CRITERIA	EVALUATION PROCEDURE(S)	SCHEDULE(S)

PRESENT LEVEL OF EDUCATIONAL PERFORMANCE IN (area) ____________________

ANNUAL GOAL: ____________________

SHORT TERM OBJECTIVE(S)	CRITERIA	EVALUATION PROCEDURE(S)	SCHEDULE(S)

School District
Address
City, Oregon ZIP
(503) Phone

PRIOR NOTICE AND PARENTAL CONSENT FOR INITIAL PLACEMENT IN SPECIAL EDUCATION

(as required by OAR 581-15-075, and OAR 581-15-039)

Dear ____________________,

Following evaluation, your child, ____________________, has been found eligible to receive special education and related services as described in your child's Individualized Education Plan (IEP). The reasons for the proposed services are as follows: ______________________________

____

____

The following was used as a basis for the proposed services:

Tests/Records/Reports	Date	Tests/Records/Reports	Date

Following is a description of any placement options considered and reasons why those were rejected:

____

____

Following is a description of any other factors which are relevant to the proposed placement:

____

____

An explanation of your rights regarding the identification, evaluation, and placement of your child according to OAR 581-15-075 is attached.

Since OAR 581-15-039 requires that the district receive your written consent prior to your child's initial placement in special education, please sign this consent form and return it as soon as possible. If you have questions, please feel free to contact me.

____
Name/Title Date

I have received a copy of my child's Individualized Education Plan (IEP), and I understand the described services and recommended placement. I understand that the granting of my consent is voluntary and may be revoked at any time.

_____ I consent to the placement of my child as described in the IEP.

_____ I do not consent to the placement of my child as described in the IEP.

____
Parent/Guardian Date

School District
Address
City, Oregon ZIP
(503) Phone

PRIOR NOTICE FOR RE-EVALUATION

(As required by OAR 581-15-075)

Dear ______________________ ,

The school district would like to inform you that we are planning to conduct an educational re-evaluation of your child, ______________________________________ .

This re-evaluation:

___ is the three year re-evaluation required by OAR 581-15-074; or

___ has been requested by you, or

___ has been requested based on the following reasons, including the following records, reports, or previously administered tests: ______________________________

Following is a description of any options the district has considered and the reasons why those options were rejected: ______________________________

Following is a description of any other factors which are relevant to the proposed testing:

An explanation of your rights, regarding the identification, evaluation and placement of your child according to OAR 581-15-075 is attached.

____
Name/Title Date

NOTE: Written Parental Consent is required whenever a student is given an individual intelligence test or a test of personality. Use the **PRIOR NOTICE AND PARENTAL CONSENT FOR EVALUATION** form whenever re-evaluation includes these types of tests.

School District
Address
City, Oregon ZIP
(503) Phone

PRIOR NOTICE OF CHANGE IN THE INDIVIDUALIZED EDUCATION PLAN, PLACEMENT, OR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION

(As required by OAR 581-15-075)

Dear ____________________,

The school district would like to inform you of a change in the ___ individualized education plan, ___ placement, or ___ provision of a free appropriate public education to your child, __________
____.

Following is a description of the proposed change: ______________________________
____
____
____

Following is a description of why the school district proposes to take the above described action (including any records, reports or previously administered tests which the school district used as a basis for this change): ______________________________
____
____
____

Following is a description of any options the school district considered and the reasons why those options were rejected: ______________________________
____
____
____

Following is a description of any other factors which are relevant to the change:
____
____
____

An explanation of your rights regarding the identification, evaluation, and placement of your child according to OAR 581-15-075 is attached. If you have any questions, please feel free to contact me.

____
Name/Title Date

APPENDIX E:

Independent Evaluation

INDEPENDENT EVALUATION

As a parent you have the right to obtain an independent evaluation if you disagree with the evaluation of your child by the school district. According to federal guidelines, an independent evaluation "must be at public expense if a parent disagrees with the evaluation by the public agency, unless the public agency initiates a hearing to show that its evaluation is appropriate" (comment section of Federal Register, Volume 42, No. 163 p. 42511).

A school district, therefore, can refuse your independent evaluation request, but then must initiate a hearing. If the school district refuses to grant your request and does not initiate a due process hearing, you have the right to request a hearing yourself.

If the hearings officer orders that an independent evaluation be conducted, the school district must pay for it. If a hearings officer finds that an independent evaluation initiated and paid for by the parents leads to a significant revision in the school's evaluation, then the school district would be obligated to pay the costs of the evaluation. If, however, the parent-initiated independent evaluation is not accepted by the hearings officer, the parents must pay for it.

Under Oregon law, a parent is entitled to only one independent evaluation per year. Upon request, the school district is required to furnish you with information about where independent evaluations may be obtained.

A school district is not bound or obligated to accept and implement the findings and recommendations of the independent evaluation. They are only required to give consideration to them. A district can reject all or part of the evaluation. That is why it is important that parents and school district personnel mutually work out certain details once a school district agrees with a parent's request for an independent evaluation (that is, the district states that it will pay for the evaluation). Consideration should be given to:

1. Who will evaluate the child.

2. The location of the evaluation.

3. Transportation expenses (these expenses are to be at no cost to parents).

4. The scope or limits of the evaluation (essentially, what are the questions that need to be answered--only academic assessment such as language, math and reading? physical mobility? speech and language ability? intelligence? adaptive behavior?).

5. The reporting format--a written evaluation report, an independent evaluator present at the IEP meeting, a telephone conference, etc.

6. The time schedule, including when the evaluation will occur and when parents and school personnel will meet to discuss the findings.

Independent evaluations granted by a school district must meet federal and state requirements for evaluating children, e.g., qualifications of evaluations, eligibility rules, use of appropriate tests, etc.

(A sample letter requesting an independent evaluation can be found in Appendix B, page 4.)

APPENDIX F:

Suspension And Expulsion:
Suggested Guidelines for Policy Development

SUGGESTED GUIDELINES FOR POLICY DEVELOPMENT FOR SUSPENSION AND EXPULSION

School districts should develop guidelines that deal with all of the major procedures and considerations related to the suspension and expulsion of children with handicaps. Here are some ideas that may lead to the development of guidelines that effectively address this issue:

Suspension

1. If a handicapped child is suspended, the multidisciplinary team (MDT) may meet to review and consider recommendations regarding the student's educational program.
2. Parents should be notified immediately if their child will be or has been suspended, so that they can assist the school in exploring ways to support the child.
3. A list of options or alternatives should be developed to address the student's suspendable behavior. The list might include:
    a. In-school suspension with homework assignments to be completed.
    b. Temporary reassignment from a class situation (or alternate source of conflict) to the special education resource room.
    c. Contact with parents to review the situation through a conference at the school or a phone call (parents might be asked to take their child home for the remainder of the day).
    d. Placement of the student on a behavioral contract that clearly spells out what is expected of him or her.
4. If a student is facing a second suspension within a year, automatically set up a meeting with the MDT and the parents to evaluate the appropriateness of the student's IEP and to determine whether there is a relationship between the reason for suspension and the handicapping condition.
5. Before proposing disciplinary action, review the child's IEP and handicapping condition.
6. Evaluate the nature and extent of the infraction.
7. Make every reasonable effort to use less restrictive methods of discipline as a course of action.

Expulsion

1. Before considering expulsion, convene a meeting of the evaluation team and people knowledgeable about the child.
2. Determine if (a) there is a relationship between the child's handicap and the nature of the infraction and/or (b) if the infraction may be the result of an inappropriate placement.
3. Inform the parents about the evaluation team meeting, the recommendations made by the team, and their parental rights (including the right to a due process hearing).
4. If the child will not be expelled, schedule an IEP meeting to review service and placement options for the child.
5. If the child will be expelled, schedule a meeting with the parents to develop a new IEP for the child.
6. If possible, strive to develop special education services as close to the student's original program as possible during the period of expulsion.
7. Explore with the parents alternative programs of instruction and counseling that may be available.
8. Monitor the child's program during the expulsion period.
9. Convene an IEP meeting with the parents to develop a "Reentry IEP" before the expulsion period is over.

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